United Nations

Report of the Human Rights Council

Second session
(18 September-6 October and 27-29 November 2006)

Third session
(29 November-8 December 2006)

Fourth session
(12-30 March 2007)

Fifth session
(11-18 June 2007)

First organizational meeting
(19-22 June 2007)

Third special session
(15 November 2006)

Fourth special session
(12-13 December 2006)

General Assembly
Official Records
Sixty-second session
Supplement No. 53 (A/62/53)

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The present volume contains the resolutions and decisions adopted by the Human Rights Council from 18 September 2006 to 22 June 2007, at its second, third, fourth and fifth sessions, at its first organizational meeting and at its third and fourth special sessions. The resolutions and decisions adopted by the Council from 19 June to 11 August 2006 at its first session and its first and second special sessions appear in the report of the Council to the General Assembly, issued as *Official Records, Sixty-first Session*, Supplement No. 53 (A/61/53).

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Introduction

1. The Council held its second session from 18 September to 6 October and 27 to 29 November 2006; its third session from 29 November to 8 December 2006; its fourth session from 12 to 30 March 2007; and its fifth session from 11 to 18 June 2007. The first organizational meeting was held from 19 to 22 June 2007, in accordance with rule 8 of its rules of procedure as contained in the annex of Council resolution 5/1 of 18 June 2007. The Council held its third and fourth special sessions on 15 November 2006 and from 12 to 13 December 2006, respectively.

2. The reports of the Council on each of these sessions and on the organizational meeting have been issued in documents A/HRC/2/9 and Corr.1, A/HRC/3/7 and Corr.1, A/HRC/4/123 and Corr.1, A/HRC/5/21, A/HRC/OM/1/1, A/HRC/S-3/2 and A/HRC/S-4/5.

Resolutions and decisions adopted by the Council at its second, third, fourth and fifth sessions, at its first organizational meeting, and at its third and fourth special sessions

I. Second session

A. RESOLUTIONS

2/1. Intergovernmental Working Group on the Review of Mandates

The Human Rights Council,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Council should improve and rationalize all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights in order to maintain a system of special procedures, expert advice and a complaint procedure,

Recalling its decision 1/104 of 30 June 2006, in which it decided to establish an open-ended intergovernmental working group on the issue of reviewing and, where necessary, improving and rationalizing all human rights mandates, mechanisms, functions and responsibilities,

Taking note of the draft manual of the United Nations human rights special procedures of June 2006, revised by the Coordination Committee of the special procedures, and the decision taken at the thirteenth meeting of the special procedures to submit the manual to Governments and other stakeholders for comments and inputs,

1. *Requests* the Open-ended Intergovernmental Working Group on the Review of Mandates to review the revised draft manual of the United Nations human rights special procedures of June 2006 and to make recommendations on possible additions or amendments thereto;

2. *Also requests* the Coordinating Committee of the special procedures to extend until the closure of the fourth session of the Council, which will be held from 12 March to 6 April 2007, the deadline for the submission of comments and inputs to the draft manual of special procedures;

3. *Further requests* the Working Group to draft a code of conduct regulating the work of the special procedures, taking into account, inter alia, the suggestions made by the members of the Council during the discussions at its second session on the reports of the special procedures mandate-holders, as well as at previous formal and informal sessions of the Working Group;

4. *Invites* the Working Group to report to the Council at its fourth session on the progress achieved in the implementation of the present resolution.

51st meeting
27 November 2006

[Resolution adopted by a recorded vote of 30 votes to 15, with 2 abstentions. The voting was as follows:

In favour: Algeria, Azerbaijan, Bahrain, Bangladesh, Brazil, Cameroon, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, India, Indonesia, Japan, Jordan, Malaysia, Mali, Mauritius, Morocco, Nigeria, Pakistan, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia, Zambia.

Against: Canada, Czech Republic, Finland, France, Germany, Guatemala, Mexico, Netherlands, Peru, Poland, Republic of Korea, Romania, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Argentina, Uruguay.][1]

2/2. Human rights and extreme poverty

The Human Rights Council,

Deeply concerned that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and manifestations are particularly severe in developing countries,

Reaffirming in this regard the commitments made at relevant United Nations conferences and summits, including the commitments in the World Summit for Social Development, held in Copenhagen in 1995, in the United Nations Millennium Declaration adopted by the General Assembly in 2000 and the outcome document of the 2005 World Summit approved by the Heads of State and Government and adopted by the General Assembly by its resolution 60/1 of 16 September 2005,

1. *Affirms* that the fight against extreme poverty must remain a high priority for the international community;

2. *Takes note* of the draft guiding principles on extreme poverty and human rights: the rights of the poor annexed to Sub-Commission for the Promotion and Protection of Human Rights resolution 2006/9 of 24 August 2006;

3. *Requests* the United Nations High Commissioner for Human Rights to circulate the draft guiding principles, in order to obtain the views of States, relevant United Nations agencies, intergovernmental organizations, United Nations treaty bodies, special procedures, including the

[1] See A/HRC/2/9 and Corr.1, chap. III, paras. 162 to 167.

independent expert on the question of human rights and extreme poverty, national human rights institutions, non-governmental organizations, especially those in which people in situations of extreme poverty express their views, and other relevant stakeholders, and to report to the Council at its seventh session.

31st meeting
27 November 2006

[Resolution adopted without a vote.][2]

2/3. Human rights in the occupied Syrian Golan

The Human Rights Council,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the violation of their fundamental and human rights since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, including the latest, resolution 60/40 of 1 December 2005, in which the Assembly declared that Israel had failed so far to comply with Security Council resolution 497 (1981) and demanded that Israel withdraw from all the occupied Syrian Golan,

Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of non-acquisition of territory by force in accordance with the Charter of the United Nations and the principles of international law,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/60/380) of 26 August 2005 and, in this connection, deploring the Israeli settlement in the occupied Arab territories and regretting Israel's constant refusal to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter, international law and the Universal Declaration of Human Rights and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague conventions of 1899 and 1907 to the occupied Syrian Golan,

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[2] See A/HRC/2/9 and Corr.1, chap. III, paras. 173-175.

Reaffirming the importance of the peace process which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the principle of land for peace, and expressing its concern over the halt in the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of Security Council resolutions 242 (1967) and 338 (1973) with a view to establishing a just and comprehensive peace in the region,

Reaffirming also the previous relevant resolutions of the Commission on Human Rights, the most recent being resolution 2005/8 of 14 April 2005,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly and of the Security Council, in particular resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision;

2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property;

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;

4. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and have no legal effect;

5. *Calls once again upon* Member States not to recognize any of the legislative or administrative measures and actions referred to above;

6. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report on this matter to the Human Rights Council at its fourth session, due to be held in March/April 2007;

7. *Decides* to continue the consideration of the human rights violations in the occupied Syrian Golan at its fourth session.

31st meeting
27 November 2006

[Resolution adopted by a recorded vote of 32 to 1, with 14 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, India, Indonesia, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Nigeria, Pakistan, Peru, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia, Uruguay, Zambia.

Against: Canada.

Abstaining: Cameroon, Czech Republic, Finland, France, Germany, Guatemala, Japan, Netherlands, Poland, Republic of Korea, Romania, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.][3]

2/4. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

The Human Rights Council,

Guided by the principles of the Charter of the United Nations and affirming the inadmissibility of the acquisition of territory by force,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Recalling relevant resolutions of the Commission on Human Rights, the Security Council and the General Assembly, most recently General Assembly resolution 60/106 of 8 December 2005 in which it reaffirmed, inter alia, the illegality of the Israeli settlements in the occupied territories,

Mindful that Israel is a party to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable de jure to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem and the Syrian Golan, and recalling the declaration adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001,

Considering that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention and relevant provisions of customary law, including those codified in Additional Protocol I to the Geneva Conventions of 12 August 1949,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (see A/ES-10/273 and Corr.1), and its conclusion that the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law,

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[3] See A/HRC/2/9 and Corr.1, chap. III, paras. 176-181.

Recalling also General Assembly resolution ES-10/15 of 20 July 2004,

Recalling further its attachment to the implementation by both parties of their obligations under the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict (S/2003/529, annex), and noting specifically its call for a freeze on all settlement activity,

Expressing its grave concern about the continuation by Israel, the occupying Power, of settlement building and expansion in the Occupied Palestinian Territory, in violation of international humanitarian law and relevant United Nations resolutions, including plans to expand and connect Israeli settlements around Occupied East Jerusalem, thus threatening the creation of a contiguous Palestinian State,

Expressing its concern that continuing Israeli settlement activity undermines the realization of a two-State solution,

Noting the dismantlement of settlements in the Gaza Strip and parts of the northern West Bank,

Expressing grave concern about the continuing construction, contrary to international law, by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which could prejudge future negotiations and make the two-State solution physically impossible to implement and which is causing the Palestinian people further humanitarian hardship,

Deeply concerned that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

Expressing its concern at the failure of the Government of Israel to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (E/CN.4/2006/29 and A/HRC/2/5) and calls upon the Government of Israel to cooperate with the Special Rapporteur to allow him fully to discharge his mandate;

2. *Expresses its grave concern* at:

(*a*) The continuing Israeli settlement and related activities, in violation of international law, including the expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, the expulsion of Palestinians and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem and the Syrian Golan, and constitute a violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and in particular article 49 of that Convention; settlements are a major obstacle to the establishment of a just and comprehensive peace and to the creation of an independent, viable, sovereign and democratic Palestinian State;

(*b*) The Israeli so-called E1 plan aimed at expanding the Israeli settlement of Maale Adumim and building the wall around it, thereby further disconnecting occupied East Jerusalem from the northern and southern parts of the West Bank and isolating its Palestinian population;

(*c*) The new Israeli plans to construct more than 900 additional housing units in different Israeli settlements in the occupied West Bank;

(*d*) The implications on the final status negotiations of Israel's recent announcement that it will retain the major settlement blocs in the Occupied Palestinian Territory, including settlements located in the Jordan Valley;

(*e*) The expansion of Israeli settlements and the construction of new ones on the Occupied Palestinian Territory rendered inaccessible behind the wall, which create a fait accompli on the ground that could well be permanent, in which case, it would be tantamount to de facto annexation;[4]

(*f*) The Israeli decision to establish and operate a tramway between West Jerusalem and the Israeli settlement of Pisgat Zeev in violation of international law and relevant United Nations resolutions;

(*g*) The continued closures of and within the Occupied Palestinian Territory and the restriction of the freedom of movement of people and goods, including the repeated closure of the crossing points of the Gaza Strip, which have caused an extremely precarious humanitarian situation for the civilian population as well as impaired the economic and social rights of the Palestinian people;

(*h*) The continued construction, contrary to international law, of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem;

3. *Urges* Israel, the occupying Power:

(*a*) To reverse the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards their dismantlement, to stop immediately the expansion of the existing settlements, including "natural growth" and related activities;

(*b*) To prevent any new installation of settlers in the occupied territories;

4. *Urges* the full implementation of the Access and Movement Agreement of 15 November 2005, particularly the urgent reopening of Rafah and Karni crossings, which is crucial to ensuring the passage of foodstuffs and essential supplies, as well as the access of the United Nations agencies to and within the Occupied Palestinian Territory;

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[4] See International Court of Justice, Advisory Opinion of 9 July 2004 in the case concerning the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (see A/ES-10/273 and Corr.1, para. 121).

5. *Demands* that Israel implement the recommendations regarding the settlements made by the then United Nations High Commissioner for Human Rights in her report to the Commission on Human Rights at its fifty-seventh session on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan (E/CN.4/2001/114);

6. *Calls upon* Israel to take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of preventing acts of violence by Israeli settlers, and other measures to guarantee the safety and protection of the Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem;

7. *Demands* that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the Advisory Opinion rendered on 9 July 2004 by the International Court of Justice;

8. *Welcomes* the Palestinian truce initiative and its acceptance by the Israeli side that came into effect on 26 November 2006 and urges all parties to maintain this truce, which could pave the way for genuine negotiations towards a just resolution to the conflict;

9. *Urges* the parties to give renewed impetus to the peace process and to implement fully the road map endorsed by the Security Council in resolution 1515 (2003) of 19 November 2003, with the aim of reaching a comprehensive political settlement in accordance with the resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and other relevant United Nations resolutions, the principles of the Peace Conference on the Middle East, held in Madrid on 30 October 1991, the Oslo Accords and subsequent agreements, which will allow two States, Israel and Palestine, to live in peace and security;

10. *Decides* to continue the consideration of this question at its fourth session.

32nd meeting
27 November 2006

[Resolution adopted by a recorded vote of 45 to 1, with 1 abstention. The voting was as follows:

In favour: Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, China, Cuba, Czech Republic, Djibouti, Ecuador, Finland, France, Gabon, Germany, Ghana, Guatemala, India, Indonesia, Japan, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Netherlands, Nigeria, Pakistan, Peru, Philippines, Poland, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Switzerland, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia.

Against: Canada.

Abstaining: Cameroon.][5]

[5] See A/HRC/2/9 and Corr.1, chap. III, paras. 204-210.

2/5. Effective implementation of international instruments on human rights

The Human Rights Council,

Recalling Commission on Human Rights resolution 2004/78 of 21 April 2004,

1. *Takes note with appreciation* of the continuing efforts of the Member States of the United Nations, the human rights treaty bodies, the United Nations High Commissioner for Human Rights and the Secretary-General to improve the effectiveness of the treaty body system, and encourages further such efforts;

2. *Encourages* the High Commissioner to undertake a study on various options for reforming the treaty body system, and to seek the views of States and other stakeholders in this regard and to report thereon to the Human Rights Council.

33rd meeting
28 November 2006

[Resolution adopted without a vote.][6]

B. DECISIONS

2/101. Situation of human rights in Kyrgyzstan

At its 23rd (closed) meeting, on 2 October 2006, the Human Rights Council decided, without a vote, to make public the text it adopted relating to its consideration of the human rights situation in Kyrgyzstan under the procedure established in accordance with Economic and Social Council resolution 1503 [XLVIII] of 27 May 1970:

"*The Human Rights Council,*

"*Having examined* the material relating to the human rights situation in Kyrgyzstan brought before it under the 1503 procedure in accordance with Economic and Social Council resolution 2000/3, alleging the use of excessive force against demonstrators and the use of arbitrary arrest and detention against protestors in order to stifle political opposition,

"*Having also examined* the material relating to the human rights situation in Kyrgyzstan before it under the 1503 procedure in accordance with Economic and Social Council resolution 2000/3, alleging the use of excessive force, including the use of live ammunition by the police leading to deaths, as well as the harassment of human rights defenders and opposition politicians, in particular attacks on demonstrators on 4 September 2002 in Jalal-Abad and arrests of members of the Kyrgyz Commission for Human Rights,

"*Having also examined* the material relating to the human rights situation in Kyrgyzstan before it under the 1503 procedure in accordance with Economic and Social Council resolution 2000/3, concerning the rape of two women members of opposition movements in Bishkek,

[6] See A/HRC/2/9 and Corr.1, chap. III, paras. 236-240.

"*Considering* that these allegations are a cause for serious concern to the extent that they may reveal the existence of gross violations of human rights,

"*Noting* the replies received from the Government of Kyrgyzstan,

"*Noting also* that the political situation in the country has changed,

"*Welcoming* the fact that the new Government of Kyrgyzstan has taken positive steps to address the above-mentioned cases and to investigate the matter,

"1. *Encourages* the Government to continue these efforts in an effective and timely manner;

"2. *Decides* to discontinue consideration of the matter;

"3. *Decides also* that the present decision should be made public;

"4. *Requests* the Secretary-General to communicate this decision to the Government of Kyrgyzstan."

2/102. Reports and studies of mechanisms and mandates

At its 29th meeting, on 6 October 2006, the Human Rights Council decided to adopt the following text without a vote:[7]

"*The Human Rights Council*,

"1. *Recalls* its decisions 1/102, 1/104 and 1/105 of 30 June 2006;

"2. *Notes* all the reports and studies presented at its second session and the substantive interactive dialogue with mandate-holders as well as with the United Nations High Commissioner for Human Rights;[8]

"3. *Requests* the Secretary-General of the United Nations and the High Commissioner to continue with the fulfilment of their activities, in accordance with all previous decisions adopted by the Commission on Human Rights and to update the relevant reports and studies;

"4. *Decides*:

"(*a*) To transmit the views of the Sub-Commission on the Promotion and Protection of Human Rights on the Human Rights Council's future expert advice mechanism to the Working Group established pursuant to Council decision 1/104;

"(*b*) To take note of the draft decisions transmitted by the Sub-Commission pertaining to previously authorized activities, with a view to allowing their continuation in accordance with Council decision 1/102;

"5. *Notes* the updates provided on the progress of the informal consultations of working groups on the universal periodic review established by its decision 1/103 and on implementation of paragraph 6 of General Assembly resolution 60/251 established by its decision 1/104."

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[7] See A/HRC/2/9 and Corr.1, chap. III, paras. 184-189.

[8] See summary records of the second session of the Human Rights Council (A/HRC/2/SR.2-27 and Corrigendum).

2/103. Revised draft framework for a programme of work of the Human Rights Council for the first year

At its 29th meeting, on 6 October 2006, the Human Rights Council decided, without a vote, to add a segment on "Follow-up to decisions of the Human Rights Council" to the programme of work as contained in Council decision 1/105 of 30 June 2006.[9]

2/104. Human rights and access to water

At its 31st meeting, on 27 November 2006, the Human Rights Council decided, without a vote, to adopt the following text:[10]

"*The Human Rights Council,*

"*Reaffirming* the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

"*Noting* general comment No. 15 (2002) on the right to water (articles 11 and 12 of the Covenant) adopted by the Committee on Economic, Social and Cultural Rights,

"*Taking note* of the draft guidelines for the realization of the right to drinking water and sanitation contained in the report of the Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/Sub.2/2005/25),

"*Recalling* the relevant provisions of declarations, resolutions and programmes of action adopted by major United Nations conferences, summits and special sessions and their follow-up meetings, in particular the Mar del Plata Action Plan of 1977 (E/CONF.70/29), Agenda 21 adopted by the United Nations Conference on Environment and Development in 1992 (A/CONF.151/26/Rev.1, vol. I and Corr.1, resolution 1, annex II), the Programme of Action of the International Conference on Population and Development of 1994, the International Decade for Action 'Water for Life' 2005-2015, General Assembly resolution 54/175 of 17 December 1999 on the right to development and the Millennium Development Goals,

"*Decides* to request the Office of the United Nations High Commissioner for Human Rights, taking into account the views of States and other stakeholders, to conduct, within existing resources, a detailed study on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments, which includes relevant conclusions and recommendations thereon, to be submitted prior to the sixth session of the Council."

2/105. Right to the truth

At its 31st meeting, on 27 November 2006, the Human Rights Council, recalling Commission on Human Rights resolution 2005/66 of 20 April 2005 and taking note of the study on the right to truth prepared by the Office of the United Nations High Commissioner for

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[9] See A/HRC/2/9 and Corr.1, chap. II, para. 10.

[10] See A/HRC/2/9 and Corr.1, chap. III, paras. 168-172.

Human Rights (E/CN.4/2006/91), decided, without a vote,[11] to request the Office to prepare a follow-up report on the study on the right to the truth, which shall include best national and international practices, in particular legislative, administrative or any other measures, as well as individual and societal dimensions of this right, taking into account the views of States and relevant intergovernmental and non-governmental organizations, to be examined at its fifth session in June 2007.

2/106. Incompatibility between democracy and racism

At its 31st meeting, on 27 November 2006, the Human Rights Council decided, without a vote, to adopt the following text:[12]

"*The Human Rights Council*,

"*Recalls* all the resolutions concerning the incompatibility between democracy and racism that were adopted by the Commission on Human Rights;

"*Considers* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006 establishing the Human Rights Council;

"*Invites* the Office of the United Nations High Commissioner for Human Rights, in collaboration with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, to continue to analyse further the issue of incitement and promotion of racism, racial discrimination, xenophobia and related intolerance in the politic debate;

"*Requests* the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, within his mandate, when submitting his report to the Council at any session after its fourth session, to include the issue of political participation and representation of groups that are vulnerable to racism, racial discrimination, xenophobia and related intolerance in the decision-making process in national Governments, parties, parliaments and civil society in general, taking into consideration their possible contribution to reinforcing the anti-discrimination perspective in political and social life with a view to strengthening democracy."

2/107. Access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria

At its 31st meeting, on 27 November 2006, the Human Rights Council decided, without a vote, to adopt the following text:[13]

"*The Human Rights Council*,

"*Recalls* all the resolutions concerning access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria that were adopted by the Commission on Human Rights;

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[11] See A/HRC/2/9 and Corr.1, chap. III, paras. 182-183.

[12] See A/HRC/2/9 and Corr.1, chap. III, paras. 184-189.

[13] See A/HRC/2/9 and Corr.1, chap. III, paras. 190-191.

"*Considers* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006 establishing the Human Rights Council;

"*Notes* the report of the World Health Organization Commission on Intellectual Property Rights Innovation and Public Health;

"*Also notes* the World Health Assembly resolution 59.24 of 27 May 2006 establishing the Intergovernmental Working Group on Public Health, Innovation, Essential Health Research and Intellectual Property Rights;

"*Requests* the Secretary-General to continue to solicit comments from Governments, United Nations organs, programmes and specialized agencies and international and non-governmental organizations on the steps they have taken to improve access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria and to submit a report thereon to the Council at any session after its fourth session;

"*Requests* the Secretary-General, when submitting his report to the Human Rights Council at any session after its fourth session, based on consultations with Governments, United Nations organs, programmes, specialized agencies, intergovernmental and non-governmental organizations and private sector, to include a study on the exploration of new and innovative financing mechanisms, bearing in mind the existing ones, which can help to improve the access to medication that fight those pandemics, from the perspective of human rights;

"*Also requests* the Secretary-General, when submitting his report to the Council at any session after its fourth session, taking into consideration the discussions carried out in the WHO Intergovernmental Working Group on Public Health, Innovation, Essential Health Research and Intellectual Property Rights and in consultations with Governments, United Nations organs, programmes, specialized agencies, intergovernmental and non-governmental organizations and private sector, to include an assessment of the impacts of intellectual property rights on access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria from the perspective of human rights."

2/108. The right of everyone to the enjoyment of the highest attainable standard of physical and mental health

At its 31st meeting, on 27 November 2006, the Human Rights Council decided, without a vote, to adopt the following text:[14]

"*The Human Rights Council*,

"*Recalls* all resolutions concerning the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health adopted by the Commission on Human Rights;

"*Considers* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006 establishing the Human Rights Council;

"*Requests* the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, within his existing mandate, when presenting his report to the Human Rights Council at any session after its fourth session on the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, to include the possibility of identifying and exploring, bearing in mind the level of development of countries and from the perspective of the right to the highest attainable standard of physical and mental health, the key features of an effective, integrated and accessible health system."

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[14] See A/HRC/2/9 and Corr.1, chap. III, paras. 192-194.

2/109. Effects of economic reform policies and foreign debt on the full enjoyment of all human rights

At its 31st meeting, on 27 November 2006, the Human Rights Council, recalling resolution 2005/19 of 14 April 2005 of the Commission on Human Rights and taking note of the report of the independent expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights (E/CN.4/2006/46 and Add.1), decided by a recorded vote of 33 votes to 13, with 1 abstention,[15] to request the United Nations High Commissioner for Human Rights to convene an expert consultation to contribute to the ongoing process of drafting the draft general guidelines to be followed by States and by private and public, national and international financial institutions in the decision-making on and execution of debt repayments and structural reform programmes, including those arising from foreign debt relief, and to invite the international financial institutions, notably the World Bank and the International Monetary Fund, as well as regional developments banks, relevant United Nations agencies and national experts and stakeholders to contribute to the consultations.

2/110. Integrity of the judicial system

At its 31st meeting, on 27 November 2006, the Human Rights Council, recalling Commission on Human Rights resolution 2005/30 of 19 April 2005, decided, without a vote,[16] to request the Special Rapporteur on the independence of judges and lawyers to take full account of the aforementioned resolution and the relevant resolutions and decisions on the issue of administration of justice through military tribunals of the Sub-Commission on the Promotion and Protection of Human Rights in the discharge of his mandate and in his report to the Council at its fourth session (March/April 2007).

2/111. Human rights and arbitrary deprivation of nationality

At its 32nd meeting, on 27 November 2006, the Human Rights Council, recalling resolution 2005/45 of 19 April 2005 of the Commission on Human Rights and taking note of the report of the Secretary-General on human rights and arbitrary deprivation of nationality (E/CN.4/2006/88), decided, without a vote,[17] to call upon its relevant mechanisms as well as

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[15] *In favour*: Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, Cameroon, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, India, Indonesia, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Nigeria, Pakistan, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia, Uruguay, Zambia.

Against: Canada, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Republic of Korea, Romania, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Peru.

[See A/HRC/2/9 and Corr.1, chap. III, paras. 195-199].

[16] See A/HRC/2/9 and Corr.1, chap. III, paras. 200-201.

[17] See A/HRC/2/9 and Corr.1, chap. III, paras. 211-212.

appropriate United Nations treaty bodies to continue to collect information on the question of human rights and arbitrary deprivation of nationality from all relevant sources and to take account of such information, together with any recommendations thereon, in their reports and activities conducted within their respective mandates, and encourages the Office of the United Nations High Commissioner for Refugees to do the same. The Council also decided to request the Secretary-General to collect information on the question of human rights and arbitrary deprivation of nationality from all relevant sources and to make this information available to the Council at its fifth session.

2/112. Persons deprived of liberty in the context of counter-terrorism measures

At its 32nd meeting, on 27 November 2006, the Human Rights Council decided, without a vote, to adopt the following text:[18]

"*The Human Rights Council*,

"*Reaffirming* its unequivocal condemnation of terrorism,

"*Drawing attention* to the issue of the impact of terrorist acts on the victims of terrorism,

"*Concerned* with the human rights of persons deprived of liberty in the context of counter-terrorism measures,

"*Recalls* that States must ensure that any measures taken to combat terrorism comply with their obligations under international law, in particular human rights law, refugee law and humanitarian law,

"*Decides* to urge all States to take all necessary steps to ensure that persons deprived of liberty, regardless of the place of arrest or of detention, benefit from the guarantees to which they are entitled to under international law, including, inter alia, protection against torture, cruel, inhuman or degrading treatment or punishment, protection against refoulement, the review of their detention and, if subjected to trial, fundamental judicial guarantees."

2/113. Cooperation with the Office of the United Nations High Commissioner for Human Rights: Afghanistan

At its 32nd meeting, on 27 November 2006, the Human Rights Council decided, without a vote, to adopt the following text:[19]

"The Human Rights Council welcomes the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Afghanistan and on the achievements of technical assistance in the field of human rights (E/CN.4/2006/108), including the assessment of the human rights situation of Afghanistan contained therein, and the ongoing cooperation between the Government of Afghanistan and the Office of the High Commissioner for Human Rights, as well as with the special procedures of the Human Rights Council, to address the human rights situation in Afghanistan, and urges its continued cooperation. The Council requests the High Commissioner to continue, in cooperation with the United Nations Assistance Mission in Afghanistan, to monitor the human rights situation in Afghanistan,

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[18] See A/HRC/2/9 and Corr.1, chap. III, paras. 217-220.

[19] See A/HRC/2/9 and Corr.1, chap. III, paras. 227-229.

provide and expand advisory services and technical cooperation in the field of human rights and the rule of law, and report regularly to the Council on the situation of human rights in Afghanistan, paying special attention to the rights of women, and on the achievements of technical assistance in the field of human rights."

2/114. Cooperation with the Office of the United Nations High Commissioner for Human Rights: Nepal

At its 32nd meeting, on 27 November 2006, the Human Rights Council decided, without a vote, to adopt the following text:[20]

"The Human Rights Council takes note of the report of the United Nations High Commissioner for Human Rights (E/CN.4/2006/107) and her oral update of 18 September 2006, as well as the activities of her Office to address human rights violations in Nepal. The Council welcomes the significant improvements of the human rights situation in Nepal with the success of the democratic movement, the restoration of the democratic institutions as well as the conclusion of a comprehensive peace agreement, stressing the commitment to human rights and including the establishment of a truth and reconciliation commission of 21 November 2006. The Council underlines the need to address the considerable challenges ahead, such as the consolidation of the rule of law and the strengthening of the protection due to the victims of human rights violations. The Council calls upon all stakeholders to ensure full respect for human rights in line with the recommendations of the Office of the United Nations High Commissioner for Human Rights and by remaining committed to the peace process. The Council also welcomes the ongoing cooperation between the Government of Nepal and the Office of the High Commissioner, the readiness of the Government of Nepal to extend the mandate of the Office in Nepal, as well as its cooperation with the special procedures of the Human Rights Council. The Council encourages continued cooperation in this regard by the Government of Nepal as well as by all stakeholders in order to address the situation of human rights in Nepal. The Council requests the High Commissioner to submit a report on the human rights situation in Nepal and the activities of her Office, including technical cooperation, to the Council at its fourth session."

2/115. Darfur

At its 34th meeting, on 28 November 2006, the Human Rights Council decided, by a recorded vote of 25 votes to 11, with 10 abstentions,[21] to adopt the following text:

"1. The Human Rights Council welcomes the Darfur Peace Agreement signed in Abuja as well as the measures already taken towards its implementation. It calls on all parties that have not yet done so to sign the Agreement, in compliance with the relevant United Nations resolutions;

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[20] See A/HRC/2/9 and Corr.1, chap. III, paras. 230-233.

[21] *In favour*: Algeria, Azerbaijan, Bahrain, Bangladesh, Brazil, China, Cuba, Djibouti, Gabon, India, Indonesia, Jordan, Malaysia, Mali, Mexico, Morocco, Nigeria, Pakistan, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia.

Against: Canada, Czech Republic, Finland, France, Germany, Netherlands, Poland, Romania, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Argentina, Ecuador, Ghana, Guatemala, Japan, Mauritius, Peru, Republic of Korea, Uruguay, Zambia.

[See A/HRC/2/9 and Corr.1, chap. III, paras. 243-251.]

"2. The Council notes with concern the seriousness of the human rights and humanitarian situation in Darfur and calls on all parties to put an immediate end to the ongoing violations of human rights and international humanitarian law, with a special focus on vulnerable groups, including women and children, while not hindering the return of all internally displaced persons to their homes;

"3. The Council notes that the Darfur Peace Agreement stipulates the principles of enhancing accountability and preventing impunity. It calls on all parties to uphold the principles which are equally applicable to States and non-State actors and to cooperate fully in the implementation of the Agreement;

"4. The Council calls on all parties, whether they have signed the Darfur Peace Agreement or failed to do so, to ensure full and unfettered access by monitors of the Office of the United Nations High Commissioner for Human Rights deployed in the Sudan to all places where they have duties to discharge and to ensure the full, safe and unhindered delivery of humanitarian assistance to those in need in Darfur;

"5. The Council welcomes the cooperation established by the Government of the Sudan with the Special Rapporteur on the situation of human rights in the Sudan, and calls upon the Government to continue and intensify its cooperation with the Human Rights Council and its mechanisms;

"6. The Council calls upon the international community at large and donor countries and peace partners in particular to honour their pledges of support and to provide urgent and adequate financial and technical assistance to the Government of the Sudan in the promotion and protection of human rights."

2/116. Postponement of consideration of draft proposals

At its 35th meeting, on 29 November 2006, the Human Rights Council decided, without a vote,[22] to take note of the deferral of the following draft proposals:

(a) To the third session of the Human Rights Council:

A/HRC/2/L.13	Human rights situation in the Occupied Palestinian Territory: follow-up on the Human Rights Council resolution S-1/1
A/HRC/2/L.27/Rev.2	Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action
A/HRC/2/L.43	The rights of indigenous peoples

(b) To the fourth session of the Human Rights Council:

A/HRC/2/L.14	Human rights and unilateral coercive measures
A/HRC/2/L.15	The right to development
A/HRC/2/L.16	Composition of the staff of the Office of the United Nations High Commissioner for Human Rights

[22] See A/HRC/2/9 and Corr.1, chap. II, paras. 11-12.

A/HRC/2/L.18	Enhancement of international cooperation in the field of human rights
A/HRC/2/L.19	The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination
A/HRC/2/L.23	Globalization and its impact on the full enjoyment of all human rights
A/HRC/2/L.24	Strengthening of the Office of the United Nations High Commissioner for Human Rights
A/HRC/2/L.25	Incitement to racial and religious hatred and the promotion of tolerance
A/HRC/2/L.26/Rev.1	Rectification of the status of the Committee on Economic, Social and Cultural Rights
A/HRC/2/L.30	World Programme for Human Rights Education
A/HRC/2/L.31	Conclusion of the draft International Convention on the Rights of Persons with Disabilities and its Optional Protocol
A/HRC/2/L.32	The human rights of migrants
A/HRC/2/L.33/Rev.1	Rights of the child
A/HRC/2/L.36	Transitional justice
A/HRC/2/L.37	Sri Lanka
A/HRC/2/L.38/Rev.1	Impunity
A/HRC/2/L.42/Rev.1	Freedom of opinion and expression

II. Third session

A. RESOLUTIONS

3/1. Human rights situation in the Occupied Palestinian Territory: follow-up to Human Rights Council resolution S-1/1

The Human Rights Council,

Recalling its resolution S-1/1 of 6 July 2006,

Noting with regret that the resolution has not been implemented to date,

1. *Calls* for the speedy implementation of its resolution S-1/1, including the dispatching of the urgent fact-finding mission;

2. *Requests* the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 to report to the Council on the implementation of the present resolution at its next session.

13th meeting
8 December 2006

[Resolution adopted by a recorded vote of 34 to 1, with 12 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, India, Indonesia, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Nigeria, Pakistan, Peru, Philippines, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia, Uruguay, Zambia.

Against: Canada.

Abstaining: Cameroon, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Romania, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.][23]

3/2. Preparations for the Durban Review Conference

The Human Rights Council,

Underlining General Assembly resolution 52/111 of 12 December 1997 in which the Assembly decided to convene the Third World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which was held at Durban from 31 August to 8 September 2001,

[23] See A/HRC/3/7 and Corr.1, chap. III, paras. 46-51.

Recalling General Assembly resolution 57/195 of 18 December 2002, in which the Assembly outlined the important roles and responsibilities of the various organs of the United Nations and other stakeholders at the international, regional and national levels, including, in particular, the erstwhile Commission on Human Rights whose mandate and responsibilities now devolve in the Human Rights Council,

Recalling General Assembly resolution 58/160 of 22 December 2003 in which the Assembly decided to close the Third United Nations Decade to combat racism and racial discrimination, and placed emphasis on the concrete implementation of the Durban Declaration and Programme of Action as a solid foundation for a broad-based consensus for further actions and initiatives towards the total elimination of the scourge of racism,

Underlining that 2006 marks 60 years of the United Nations action against racism, including three United Nations decades against racism whose programmes of action have largely not been achieved, as well as five years since the Durban Conference of 2001,

Saluting the laudable efforts of the Caribbean Community to keep the Durban spirit alive and foremost in the conscience of the international community and, in this regard, welcoming the historic resolution 61/19 of the General Assembly, adopted unanimously on 28 November 2006, in which the Assembly decided to designate 25 March 2007 as the International Day for the Commemoration of the Two-hundredth Anniversary of the Abolition of the Transatlantic Slave Trade,

Taking note of General Assembly resolution 61/149 of 19 December 2006 in which the Assembly decided to convene in 2009 a review conference on the implementation of the Durban Declaration and Programme of Action,

Recalling also that in the same resolution the Human Rights Council is requested to undertake preparations for this event and to formulate by 2007 a concrete plan for the 2009 Durban Review Conference,

Recalling further that in the same resolution the Council is requested to regularly provide the General Assembly with updates and progress reports towards this event starting in 2007,

1. *Decides* that the Human Rights Council will act as the Preparatory Committee for the Durban Review Conference which shall be open to the participation of all Member States of the United Nations and members of the specialized agencies and also to the participation of observers in accordance with the established practice of the General Assembly;

2. *Decides also* that the Preparatory Committee shall hold an organizational session of one week in May 2007, at the level of personal representatives of the Heads of State or Government or other appropriate high-level representatives designated for this purpose by Governments and two substantive sessions of 10 working days each during 2007 and 2008 in Geneva;

3. *Decides further* that the Preparatory Committee, at its organizational sessions, shall elect, on the basis of equitable geographical representation, a bureau for the Preparatory Committee and that, at the same session, the Preparatory Committee shall decide on all the

relevant modalities for the Conference in accordance with established practice of the General Assembly, including deciding on the objectives of the Review Conference, the level at which the Review Conference shall be convened, regional preparatory initiatives, date and venue;

4. *Requests* Governments, the specialized agencies of the United Nations system and relevant United Nations bodies, regional organizations, governmental and non-governmental organizations, the Committee on the Elimination of Racial Discrimination, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on freedom of religion or belief, the Five Independent Eminent Experts to follow up on the Implementation of the Durban Declaration and Programme of Action, the Five Experts on Complementary Standards, the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent and other relevant human rights mechanisms to assist the Preparatory Committee by undertaking review and submitting recommendations, through the Office of the High Commissioner for Human Rights, as contributions to the outcome of the Review Conference;

5. *Reaffirms* that the Durban Review Conference will be undertaken on the basis of and with full respect for the Durban Declaration and Programme of Action and that there will be no renegotiation of the existing agreements contained therein;

6. *Decides* that the review will concentrate on the implementation of the Durban Declaration and Programme of Action, including further actions, initiatives and practical solutions for combating all the contemporary scourges of racism;

7. *Decides also* to retain this priority issue on its programme of work and to report on progress regularly to the General Assembly.

13th meeting
8 December 2006

[Resolution adopted by a recorded vote of 34 to 12, with 1 abstention. The voting was as follows:

In favour: Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, Cameroon, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, India, Indonesia, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Nigeria, Pakistan, Peru, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia, Uruguay, Zambia.

Against: Canada, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Republic of Korea, Romania, Switzerland, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Ukraine.][24]

[24] See A/HRC/3/7 and Corr.1, chap. III, paras. 54-61.

3/3. Report of the Commission of Inquiry on Lebanon

The Human Rights Council,

Recalling its resolution S-2/1 of 11 August 2006 on "The grave situation of human rights in Lebanon caused by Israeli military operations",

Having considered the report of the Commission of Inquiry on Lebanon (A/HRC/3/2),

1. *Takes note with appreciation* of the report of the Commission of Inquiry on Lebanon (A/HRC/3/2);

2. *Requests* the United Nations High Commissioner for Human Rights to consult with the Government of Lebanon on the report and its findings and on the relevant recommendations contained therein and to report to the Council at its fourth session.

13th meeting
8 December 2006

[Resolution adopted without a vote.][25]

3/4. Implementation of General Assembly resolution 60/251: agenda, annual programme of work, methods of work and rules of procedure of the Human Rights Council

The Human Rights Council,

Recalling its decisions 1/103, 1/104 and 1/105 of 30 June 2006,

Underlining the importance of a comprehensive implementation of General Assembly resolution 60/251 of 15 March 2006,

Taking into account the debate held during its third session on these issues,

1. *Decides* to establish an open-ended intergovernmental, intersessional working group to formulate concrete recommendations on its agenda, its annual programme of work, its methods of work as well as its rules of procedure in accordance with General Assembly resolution 60/251, and to undertake transparent, well-scheduled and inclusive consultations, with the participation of all stakeholders;

[25] See A/HRC/3/7 and Corr.1, chap. III, paras. 74-84.

2. *Decides also* that the working group shall have at its disposal 10 days of fully serviced meetings, half of them to be scheduled before the fourth session of the Human Rights Council and half of them before its fifth session, which shall allow sufficient time and flexibility for the fulfilment of its mandate;

3. *Requests* the President of the Council to chair the working group, with the assistance, if necessary, of one or more facilitators;

4. *Requests also* the Office of the United Nations High Commissioner for Human Rights to provide the working group with any background information it may require on these issues;

5. *Requests further* the working group to report to the Council at its fourth session on progress made thereon.

13th meeting
8 December 2006

[Resolution adopted without a vote.][26]

B. DECISIONS

3/101. Postponement of the consideration of the draft decision on the rights of indigenous peoples

At its 13th meeting, on 8 December 2006, the Human Rights Council decided, without a vote,[27] to defer to its next session the consideration of the draft decision entitled "The rights of indigenous peoples" contained in document A/HRC/2/L.43.

3/102. Regional cooperation for the promotion and protection of human rights in the Asian and Pacific region

At its 13th meeting, on 8 December 2006, the Human Rights Council, recalling Commission on Human Rights resolution 2005/71 of 20 April 2005, decided, without a vote,[28] to convene the next session of the Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region in 2007, preferably in the first half of that year.

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[26] See A/HRC/3/7 and Corr.1, chap. III, paras. 81-85.

[27] See A/HRC/3/7 and Corr.1, chap. III, paras. 52-53.

[28] See A/HRC/3/7 and Corr.1, chap. III, paras. 72-73.

3/103. Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action

At its 14th meeting, on 8 December 2006, the Human Rights Council, recalling its resolution 1/5 of 30 June 2006, all resolutions of the General Assembly and of the Commission on Human Rights, in particular General Assembly resolutions 57/195 of 18 December 2002 and 60/144 of 16 December 2005, and the resolution proposed by the Third Committee to the General Assembly (A/C.3/61/L.53/Rev.1) adopted on 22 November 2006, as well as Commission on Human Rights resolution 2002/68 of 25 April 2002, on the subject, decided by a recorded vote of 33 to 12 with 1 abstention:[29]

(*a*) To heed the decision and instruction of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance by establishing an Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards, with the mandate to elaborate, as a matter of priority and necessity, complementary standards in the form of either a convention or additional protocol(s) to the International Convention on the Elimination of All Forms of Racial Discrimination, filling the existing gaps in the Convention and also providing new normative standards aimed at combating all forms of contemporary racism, including incitement to racial and religious hatred;

(*b*) To recommend that the Ad Hoc Committee shall convene annual sessions of 10 working days to draw up the requisite legal instruments and hold its first session before the end of 2007 subject to the Working Group having completed its task on complementary standards by that date, and to report regularly to the Council on progress in the actual process of the elaboration of complementary standards;

(*c*) To welcome the recent appointment of the Five Experts on Complementary Standards by the High Commissioner for Human Rights with the mandate to produce a base document outlining the substantive gaps in the International Convention on the Elimination of All Forms of Racial Discrimination and make concrete recommendations on the means and avenues to bridge these gaps;

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[29] *In favour*: Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, Cameroon, China, Cuba, Ecuador, Gabon, Ghana, Guatemala, India, Indonesia, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Nigeria, Pakistan, Peru, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia, Uruguay, Zambia.

Against: Canada, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Republic of Korea, Romania, Switzerland, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Ukraine.

[See A/HRC/3/7 and Corr.1, chap. III, paras. 62-71.]

(*d*) To request the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action to invite the Five Experts to the first part of its fifth session, with the view of having a preliminary exchange of views and vision on complementary standards as a provisional measure pending the completion of their report;

(*e*) To request the Five Experts to finalize their report before the end of June 2007 for submission to the Office of the High Commissioner for Human Rights, and also to request the latter to ensure immediate circulation of the report of the experts, in all official languages, to all Governments and all other relevant partners and stakeholders in order to allow all these institutions adequate opportunity and time to study the recommendations contained therein;

(*f*) To recommend that the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action convene the second part of its fifth session in September 2007 and that this session mark the conclusion and closure of the Working Group's debates and deliberations on the question of complementary standards;

(*g*) To invite, in the above context, the Chairperson of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action to transmit the report of the Five Experts to the Ad Hoc Committee through the Human Rights Council;

(*h*) To request that the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action continue its important work of ensuring the effective implementation of the Durban Declaration and Programme of Action as mandated by Commission on Human Rights resolution 2002/68 of 25 April 2002 by focusing on other critical segments of the Durban Declaration and Programme of Action that require immediate attention;

(*i*) To request that the Ad Hoc Committee convene its first session before the end of 2007 and use all the documents presented to it as background material for commencing its process of elaborating complementary standards, and that one of its main priorities be to ensure that the requisite legal instrument(s) is/are produced for negotiations;

(*j*) To request that the High Commissioner give visibility and a high profile to the Anti-Discrimination Unit within her Office and provide it with all the necessary and additional resources to ensure its effectiveness, particularly in view of the current challenges of racial and religious discrimination, so that the Unit ensures that the High Commissioner makes a positive contribution and plays a leadership role in the global efforts to combat all the resurgent scourges of racism;

(*k*) To retain this priority issue on its programme of work and to review progress at its fourth session.

3/104. Conference facilities and financial support for the Human Rights Council

At its 14th meeting, on 8 December 2006, the Human Rights Council decided, without a vote, to adopt the following text:[30]

"*The Human Rights Council*,

"*Recalling* General Assembly resolution 60/251 of 15 March 2006 in which the Assembly decided, inter alia, that the Council shall meet regularly throughout the year and schedule no fewer than three sessions per year, including a main session, for a total duration of no less than 10 weeks, and shall be able to hold special sessions, when needed, at the request of a member of the Council with the support of one third of the membership of the Council,

"*Reaffirming* the importance of the respect and the promotion of multilingualism within the United Nations and in particular the importance of the provision of appropriate interpretation and translation services,

"*Taking into account* the Council's heavy schedule of work and the difficulties encountered in obtaining the necessary conference services, particularly during its first, institution-building year,

"*Taking also into account* the need to ensure the necessary financial resources to implement its decisions,

"1. *Reaffirms* the need to ensure the necessary Secretariat support and financial resources for the Council in order to fully discharge its mandate as stipulated in General Assembly resolution 60/251;

"2. *Requests* the Secretary-General to report to the sixty-first session of the General Assembly at the earliest possible date on ways and means to guarantee the provision of:

"(*a*) Conference services, including interpretation, particularly for the holding of special sessions, additional meetings during regular sessions and organizational meetings;

"(*b*) Webcast transmission on a regular basis for all the sessions of the Human Rights Council;

"(*c*) Translation of documentation in all official United Nations languages in a timely manner;

"(*d*) Adequate funding to provide timely financing for unforeseen extraordinary expenses arising in the implementation of the decisions of the Council, involving inter alia fact-finding missions and special commissions as well as the necessary support from the Secretariat."

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[30] See A/HRC/3/7 and Corr.1, chap. III, paras. 86-94.

III. Fourth session

A. RESOLUTIONS

4/1. Question of the realization in all countries of economic, social and cultural rights

The Human Rights Council,

Guided by the principles relating to economic, social and cultural rights enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that the Vienna Declaration and Programme of Action (A/CONF.157/23), the 2005 World Summit Outcome (resolution 60/1 of 16 September 2005) and General Assembly resolution 60/251 of 15 March 2006 that established the Human Rights Council all affirm that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Recalling also previous resolutions of the Human Rights Council, of the Commission on Human Rights and of the Sub-Commission for the Promotion and Protection of Human Rights on the realization of economic, social and cultural rights, and in particular Council resolution 1/3 of 29 June 2006 on the Open-ended Working Group on an optional protocol to the International Covenant on Economic, Social and Cultural Rights,

Welcoming ongoing efforts, including by the Human Rights Council, towards the realization of economic, social and cultural rights and encouraging additional efforts to ensure the realization of economic, social and cultural rights and the removal of obstacles thereto at all levels,

1. *Affirms*:

(*a*) That, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights;

(*b*) That all persons in all countries are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality;

(*c*) The universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the obligation of all States to ensure the full promotion, protection and realization of all human rights;

(*d*) The importance of international cooperation in assisting Governments to fulfil their obligation to protect and promote all human rights, including economic, social and cultural rights, while emphasizing that the primary responsibility for promoting and protecting human rights lies with States;

(*e*) The inextricable link between full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights and the process of development, the central purpose of which is the realization of the potentialities of the human person with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development and with a fair distribution of its benefits;

2. *Calls upon* all States:

(*a*) To give full effect to economic, social and cultural rights;

(*b*) To consider signing and ratifying, and the States parties to implement, the International Covenant on Economic, Social and Cultural Rights, as well as other international instruments related to the realization of economic, social and cultural rights;

(*c*) To guarantee that economic, social and cultural rights shall be exercised without discrimination of any kind;

(*d*) To secure progressively, through national development policies and with international assistance and cooperation, full realization of economic, social and cultural rights, giving particular attention to the individuals and communities living in extreme poverty and therefore most vulnerable and disadvantaged;

(*e*) To promote the effective and wide participation of representatives of civil society in decision-making processes related to the promotion and protection of economic, social and cultural rights, including through efforts to identify and strengthen good governance practices;

3. *Welcomes* the six recent ratifications of the International Covenant on Economic, Social and Cultural Rights and calls upon the States parties to the Covenant:

(*a*) To withdraw reservations incompatible with the object and purpose of the Covenant and to consider reviewing other reservations with a view to withdrawing them;

(*b*) To submit their reports to the Committee in a regular and timely manner;

(*c*) To promote a concerted national effort to ensure the participation of representatives of all sectors of civil society in the process of preparation of their periodic reports to the Committee on Economic, Social and Cultural Rights and in the implementation of the recommendations of the Committee;

(*d*) To ensure that the Covenant is taken into account in all of their relevant national and international policymaking processes;

4. *Recalls* that international cooperation in solving international problems of an economic, social and cultural character and in promoting and encouraging respect for human rights and fundamental freedoms for all is one of the purposes of the United Nations, and affirms that wider international cooperation would contribute to lasting progress in implementing economic, social and cultural rights;

5. *Notes with interest* the work carried out by the Committee on Economic, Social and Cultural Rights to assist States parties in fulfilling their obligations, including through the development and adoption of general comments, in order to assist in clarifying the content and scope of the articles of the International Covenant on Economic, Social and Cultural Rights, and, in this regard, takes note of the recent adoption of general comments No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights (art. 3), No. 17 (2005) on the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she is the author (art. 15) and No. 18 (2005) on the right to work (art. 6);

6. *Encourages* the Committee to continue its efforts towards the promotion, protection and full realization of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights, at the national and international levels, including by drafting further general comments to assist and promote the further implementation by States parties of the Covenant, by making the experience gained through the examination of States parties' reports available for the benefit of all States parties, and by organizing regional workshops to promote the follow-up to its concluding observations;

7. *Expresses its appreciation for and encourages* the continuation of the work related to the promotion, protection and full realization of economic, social and cultural rights carried out by other human rights treaty bodies working on issues that bear upon the Covenant and United Nations bodies, specialized agencies or programmes;

8. *Also expresses its appreciation for and encourages* the continuation of the work related to the promotion, protection and full realization of economic, social and cultural rights carried out by all relevant special procedures of the Human Rights Council;

9. *Encourages* enhanced cooperation and, as appropriate, increased coordination, between the Committee on Economic, Social and Cultural Rights and United Nations bodies, specialized agencies or programmes, mechanisms of the Human Rights Council, and other human rights treaty bodies whose activities bear upon economic, social and cultural rights, in a manner that respects their distinctive mandates and promotes their policies, programmes and projects;

10. *Welcomes* the inclusion of the issue of the realization of economic, social and cultural rights in the Durban Declaration and Programme of Action (A/CONF.189/12 and Corr.1), in which States underscored, inter alia, the need to design, promote and implement at the national, regional and international levels, strategies, programmes and policies, and adequate legislation, which may include special and positive measures, for furthering equal social development and the realization of the civil and political, economic, social and cultural rights of all victims of racism, racial discrimination, xenophobia and related intolerance;

11. *Welcomes and encourages* regional initiatives to promote the further realization of economic, social and cultural rights;

12. *Recognizes and encourages* the important contributions of National Human Rights Institutions and non-governmental organizations to the question of the realization and enjoyment of economic, social and cultural rights;

13. *Expresses its appreciation* for the activities carried out by the Office of the United Nations High Commissioner for Human Rights on the promotion of economic, social and cultural rights, mainly through technical cooperation, the work of its field offices, its relevant reports to United Nations bodies, the development of in-house expertise and its publications and studies on related issues;

14. *Encourages* the Office of the High Commissioner:

(*a*) To continue to provide or facilitate practical support aimed at building capacities for the full realization of economic, social and cultural rights;

(*b*) To continue its cooperation with other United Nations agencies as part of the integration of economic, social and cultural rights within the United Nations system;

(*c*) To strengthen its research and analytical capacities in the field of economic, social and cultural rights and to share its expertise, inter alia through the holding of expert meetings;

(*d*) To strengthen the support for the Committee on Economic, Social and Cultural Rights;

(*e*) To continue its activities on the promotion and awareness-raising of economic, social and cultural rights, including by supporting regional initiatives related to the implementation of the International Covenant on Economic, Social and Cultural Rights;

15. *Takes note with interest* of the report of the Secretary-General on the question of the realization in all countries of economic, social and cultural rights (A/HRC/4/62), submitted pursuant to Human Rights Council decision 2/102 of 6 October 2006 and paragraph 16 of Commission on Human Rights resolution 2005/22 of 15 April 2005, including the section of the report on economic, social and cultural rights in conflict and post-conflict societies;

16. *Requests* the Secretary-General to submit to the Council an annual report on the implementation of the present resolution;

17. *Decides* to remain seized of this issue and to consider taking further actions in order to implement the present resolution.

21st meeting
23 March 2007

[Resolution adopted without a vote.][31]

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[31] See A/HRC/4/123 and Corr.1, chap. III, paras. 134-136.

4/2. Human rights situation in the Occupied Palestinian Territory: follow-up to Human Rights Council resolutions S-1/1 and S-3/1

The Human Rights Council,

Recalling its resolutions S-1/1 of 6 July 2006 and S-3/1 of 15 November 2006,

Noting with regret that Israel, the occupying Power, has not implemented to date these two resolutions and hindered the dispatching of the urgent fact-finding missions specified therein,

1. *Calls for* the implementation of its resolutions S-1/1 and S-3/1, including the dispatching of the urgent fact-finding missions;

2. *Requests* the President of the Human Rights Council and the United Nations High Commissioner for Human Rights to report to the Council at its fifth session on their efforts for the implementation of Council resolutions S-1/1 and S-3/1 and on the compliance of Israel, the occupying Power, with these two resolutions.

26th meeting
27 March 2007

[Resolution adopted without a vote.][32]

4/3. Intergovernmental Working Group on the Review of Mandates

The Human Rights Council,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Council should improve and rationalize all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights in order to maintain a system of special procedures, expert advice and a complaint procedure,

Recalling its decision 1/104 of 30 June 2006, in which it decided to establish an open-ended intergovernmental working group on the issue of reviewing and, where necessary, improving and rationalizing all human rights mandates, mechanisms, functions and responsibilities,

Recalling also its resolution 2/1 of 27 November 2006, in which it requested the Working Group to draft a code of conduct regulating the work of the special procedures, and also requested the Coordinating Committee of the special procedures to extend until the closure of the fourth session of the Human Rights Council the deadline for the submission of comments and inputs to the draft manual of special procedures,

[32] See A/HRC/4/123 and Corr.1, chap. III, paras. 137-141.

Taking note of the draft manual of the United Nations human rights special procedures, revised by the Coordinating Committee, and the decision taken at the thirteenth meeting of the special procedures to submit the manual to Governments and other stakeholders for comments and inputs,

1. *Requests* the Coordinating Committee of the special procedures to extend until the closure of the fifth session of the Human Rights Council, which will be held from 11 to 18 June 2007, the deadline for the submission of comments on and inputs to the draft manual of special procedures;

2. *Also requests* the Working Group to present to the fifth session of the Council the outcome of its deliberations on the code of conduct regulating the work of the special procedures.

26th meeting
27 March 2007

[Resolution adopted without a vote.][33]

4/4. The right to development

The Human Rights Council,

Recalling its resolution 1/4 of 30 June 2006, and recalling also all Commission on Human Rights and General Assembly resolutions on the right to development, in particular the urgent need to make the right to development a reality for everyone,

Recalling the Charter of the United Nations, and the core human rights instruments,

Taking note of the efforts under way in the framework of the Working Group on the Right to Development with the support of the high-level task force on the implementation of the right to development to develop a set of criteria for the periodic evaluation of global partnerships as identified in Millennium Development Goal 8,

1. *Welcomes* the report of the eighth session of the Working Group on the Right to Development (A/HRC/4/47);

2. *Decides*:

(*a*) To act to ensure that its agenda promotes and advances sustainable development and the achievements of the Millennium Development Goals and, in this regard, to agree on a

[33] See A/HRC/4/123 and Corr.1, chap. III, paras. 142-145.

programme of work that will lead to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action, to the same level and on a par with all other human rights and fundamental freedoms;

(*b*) To endorse the road map outlined in paragraphs 52 to 54 of the report of the eighth session of the Working Group on the Right to Development, which would ensure that the criteria for the periodic evaluation of global partnerships, as identified in Millennium Development Goal 8, prepared by the high-level task force and being progressively developed and refined by the Working Group, is extended to other components of Millennium Development Goal 8, by no later than 2009;

(*c*) That the above criteria, as endorsed by the Working Group, should be used, as appropriate, in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development;

(*d*) That, upon completion of the above phases, the Working Group will take appropriate steps for ensuring respect for and practical application of these standards, which could take various forms, including guidelines on the implementation of the right to development, and evolve into a basis for consideration of an international legal standard of a binding nature, through a collaborative process of engagement;

(*e*) To renew the mandate of the Working Group on the Right to Development for a period of two years, and that the Working Group shall convene annual sessions of five working days and present its reports to the Council;

(*f*) To renew also the mandate of the high-level task force on the implementation of the right to development, established within the framework of the Working Group on the Right to Development, for a period of two years, and that the task force will convene annual sessions of seven working days and present its reports to the Working Group on the Right to Development;

(*g*) To request the Office of the United Nations High Commissioner for Human Rights to continue to take all necessary measures and allocate necessary resources for the effective implementation of the present resolution;

3. *Decides also* to review the progress of the implementation of the present resolution as a matter of priority in its future sessions.

31st meeting
30 March 2007

[Resolution adopted without a vote.][34]

[34] See A/HRC/4/123 and Corr.1, chap. III, paras. 151-156.

4/5. Globalization and its impact on the full enjoyment of all human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, and expressing in particular the need to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Realizing that globalization is not merely an economic process, but that it also has social, political, environmental, cultural and legal dimensions, which have an impact on the full enjoyment of all human rights,

Recognizing that globalization should be guided by the fundamental principles that underpin the corpus of human rights, such as equality, participation, accountability, non-discrimination, at both the national and international levels, respect for diversity, tolerance and international cooperation and solidarity,

Affirming that, while globalization offers great opportunities for sustained economic growth and development of the world economy and offers new perspectives for the integration of developing countries into the world economy, at present its benefits are very unevenly shared and costs unevenly distributed,

Underlining that developing countries face special difficulties in meeting the challenge of globalization and especially that the least developed countries have remained marginalized in the globalizing world economy,

Deeply concerned at the inadequacy of measures to narrow the widening gap between the developed and the developing countries, which adversely affects the full enjoyment of human rights, particularly in the developing countries,

Underlining that the deep fault line between the rich and the poor that divides human society and the ever-increasing gap between the developed and the developing countries pose a major threat to global prosperity, security and stability,

Recognizing that, while globalization, by its impact on, inter alia, the role of the State, may affect human rights, the promotion and protection of all human rights is first and foremost the responsibility of the State,

Underlining the shared responsibility to assist countries and people excluded from or disadvantaged by globalization,

1. *Emphasizes* that development should be at the centre of the international economic agenda and that coherence between national development strategies and international obligations and commitments will contribute to the creation of an enabling environment for development, which is conducive to the full realization of all human rights for all;

2. *Strongly urges* the international community to take stock of the slow progress with regard to the Millennium Development Goals, with a view to taking all necessary and appropriate measures, including enhanced official development assistance, the search for a durable solution to the external debt problem, market access, capacity-building, and dissemination of knowledge and technology, in order to achieve successful integration of developing countries in the global economy;

3. *Stresses* the need to broaden and strengthen the full and effective participation of developing countries in international economic decision-making and norm-setting with a view to ensuring equitable distribution of growth and sustainable development gains in a globalizing world economy;

4. *Underlines* the need for the treaty bodies, special rapporteurs/representatives, independent experts and working groups of the Council, within their mandates, to take into consideration the content of the present resolution;

5. *Decides* to consider this issue again at its future session.

31st meeting
30 March 2007

[Resolution adopted by a recorded vote of 34 to 13. The voting was as follows:

In favour: Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, Cameroon, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, India, Indonesia, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Nigeria, Pakistan, Peru, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia, Uruguay, Zambia.

Against: Canada, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Republic of Korea, Romania, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

Abstaining: None.][35]

4/6. Strengthening of the Office of the United Nations High Commissioner for Human Rights

The Human Rights Council,

Recalling all relevant resolutions of the General Assembly and the Commission on Human Rights, in particular Assembly resolutions 48/141 of 20 December 1993 and 55/234 of 23 December 2000, and Commission resolutions 1998/83 of 24 April 1998, 1999/54 of 27 April 1999, 2000/1 of 7 April 2000, 2002/2 of 12 April 2002 and 2004/2 of 8 April 2004,

[35] See A/HRC/4/123 and Corr.1, chap. III, paras. 161-165.

Recalling paragraph 5 (g) of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Human Rights Council should assume the role and responsibilities of the Commission on Human Rights relating to the work of the Office of the United Nations High Commissioner for Human Rights, as decided by the General Assembly in its resolution 48/141,

Taking note with satisfaction that the regular budget resources of the Office of the High Commissioner will be doubled by 2010,

Taking note with appreciation that the unearmarked contributions of donors are on the increase, which gives the Office of the High Commissioner flexibility in the allocation of resources for its operational activities in accordance with the resolutions of the Council and other relevant United Nations organs and bodies, and with a view to treating all human rights in a fair and equal manner,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Recalling that one of the purposes of the United Nations is to achieve international cooperation in promoting and encouraging respect for human rights,

Reaffirming the importance of ensuring universality, objectivity and non-selectivity in the consideration of human rights issues and, in this context, underlining the need for continuing to ensure the implementation of these principles by the United Nations High Commissioner for Human Rights in the fulfilment of her mandate and the activities of her Office,

Encouraging the High Commissioner, within her mandate as set out in General Assembly resolution 48/141, to continue to play an active role in promoting and protecting all civil, cultural, economic, political, social rights and the right to development,

Recalling also that the Vienna Declaration and Programme of Action adopted in June 1993 at the World Conference on Human Rights (A/CONF.157/23), recognized the necessity for an adaptation and strengthening of United Nations human rights machinery in accordance with current and future needs in the promotion and protection of human rights,

Reaffirming that the High Commissioner shall be a person of high moral standing and personal integrity and shall possess expertise, including in the field of human rights, and the general knowledge and understanding of diverse cultures and different legal systems necessary for impartial, objective, non-selective and effective performance of the duties of the High Commissioner,

Taking note of General Assembly resolution 61/159 of 19 December 2006, and the relevant reports of the High Commissioner (A/HRC/4/93) and the Joint Inspection Unit (JIU/REP/2006/3) concerning the composition of the staff of the Office of the High Commissioner,

Welcoming the decision of the Secretary-General in his note on the follow-up to the management review of the Office of the High Commissioner (A/61/115/Add.1) to the effect that "the report of the Joint Inspection Unit on the follow-up to the management review of the Office of the United Nations High Commissioner for Human Rights (JIU/REP/2006/3 contained in A/61/115) will therefore be submitted to the Human Rights Council",

Convinced of the need for further and continued support and consideration of the programmes and activities of the Office of the High Commissioner for Human Rights,

1. *Emphasizes* that the Office of the High Commissioner is a common office for all and should therefore reflect a diversity of backgrounds and, in this context, recalls that the Office of the High Commissioner, as part of the United Nations Secretariat, is governed by Article 101 of the Charter of the United Nations concerning staffing policies, which is essential for ensuring the implementation of the principles of universality, objectivity and non-selectivity in the consideration of human rights issues;

2. *Requests* the Secretary-General to give due consideration to geographical rotation when appointing the High Commissioner, as set out in General Assembly resolution 48/141 of 20 December 1993;

3. *Encourages* the Office of the High Commissioner to continue the current practice of making the best use of available human rights expertise relevant to and, as appropriate, from the regions where activities are undertaken;

4. *Calls upon* the High Commissioner to take into account all relevant resolutions of the General Assembly and the Council in planning the activities of the Office and requests her to reflect them appropriately in her annual reports to the Council and the Assembly;

5. *Encourages* the Office of the High Commissioner to ensure transparency in its activities and operation through a process of continued dialogue and consultations with Member States through, inter alia, regular briefings and taking into account relevant resolutions of the General Assembly and the Council;

6. *Requests* the High Commissioner in this regard to provide all States with adequate financial and budgetary information on the Office by, inter alia, holding informal briefings on voluntary contributions, including their share of the overall full-cost budget of the human rights programme, and their allocation;

7. *Reiterates* the need to ensure that all necessary financial, material and personnel resources are provided from the regular budget of the United Nations without delay to the United Nations human rights programme to enable the Office of the High Commissioner to carry out its mandates efficiently, effectively and expeditiously;

8. *Welcomes* the voluntary contributions to the Office of the High Commissioner, in particular those from developing countries, and in this context calls upon donors to take into account the High Commissioner's call for unearmarked contributions;

9. *Reaffirms* that the tasks of the High Commissioner include promoting and protecting the realization of the right to development and that the Office of the High Commissioner should devote adequate resources and staff to its follow-up, with a view to enhancing activities of the Office for its effective realization;

10. *Calls upon* the High Commissioner to continue to emphasize the promotion and protection of economic, social and cultural rights in the activities of her Office and, in that regard, encourages the High Commissioner to continue to strengthen her relationship with the appropriate bodies, funds and specialized agencies of the United Nations;

11. *Also calls upon* the High Commissioner to continue to strengthen the management structure of her Office, including human resource management, and to improve the responsiveness of her Office in all priority areas, especially economic, social and cultural rights, which require particular research and analytical capacity;

12. *Requests* the High Commissioner to enhance international cooperation for the promotion and protection of all human rights and to engage in a dialogue with all Governments in the implementation of her mandate with a view to securing respect for all human rights;

13. *Declares* that advisory services and technical cooperation provided at the request of Governments with a view to developing national capacities and national ownership in the field of human rights constitute one of the most efficient and effective means of promoting and protecting all human rights and democracy;

14. *Emphasizes* the need for an increase in the allocation of resources from within the United Nations regular budget for advisory services and technical cooperation in the field of human rights;

15. *Invites* the High Commissioner to continue to provide information on cooperation with other United Nations bodies and also invites her to make available information concerning agreements with other United Nations bodies and their implementation, in an open and transparent manner, as appropriate;

16. *Requests* the High Commissioner to take further measures to implement the recommendations of the Joint Inspection Unit with a view to improving the geographic balance of the staff composition of her Office at all levels;

17. *Emphasizes* in this regard the need to take into account the request made by General Assembly resolution 61/244 of 22 December 2006 that the Secretary-General present to the Assembly, in consultation with the Office of the High Commissioner, proposals to address the imbalance in the geographic distribution of the staff in that Office;

18. *Again invites* the High Commissioner to submit information pursuant to the present resolution in her annual report to the Council;

19. *Decides* to consider the implementation of the present resolution at a future session under the relevant agenda item.

31st meeting
30 March 2007

[Resolution adopted by a recorded vote of 35, with 12 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, Cameroon, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, India, Indonesia, Japan, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Nigeria, Pakistan, Peru, Philippines, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia, Uruguay, Zambia.

Against: None.

Abstaining: Canada, Czech Republic, Finland, France, Germany, Guatemala, Netherlands, Poland, Romania, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.][36]

4/7. Rectification of the legal status of the Committee on Economic, Social and Cultural Rights

The Human Rights Council,

Bearing in mind that the Committee on Economic, Social and Cultural Rights is established by Economic and Social Council resolution 1985/17 of 28 May 1985, while all other treaty bodies are established in terms of provisions in the relevant treaties,

Underlining the principles of the World Conference on Human Rights held in Vienna from 14 to 25 June 1993 that all human rights are universal, indivisible, interdependent and interrelated and that they must be treated on an equal footing and with the same emphasis,

Decides:

(*a*) To initiate a process to rectify, in accordance with international law, in particular the law of international treaties, the legal status of the Committee on Economic, Social and Cultural Rights, with the aim of placing the Committee on a par with all other treaty monitoring bodies;

(*b*) To request, in the above context, the Committee on Economic, Social and Cultural Rights to present a report outlining views, proposals and recommendations on this issue to the Council at its last session of 2007 in order to assist in the achievement of the above aim;

(*c*) To request the Office of the High Commissioner for Human Rights to seek the views of States and those of all other stakeholders on this issue, and to prepare a report containing these views, as well as an input from the Office of Legal Affairs in this regard, for submission to the Council at its last session of 2007;

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[36] See A/HRC/4/123 and Corr.1, chap. III, paras. 166-171.

(*d*) To convene at the same session, in relation to the above process and its objectives, an interactive dialogue highlighting the importance of the principles of universality and indivisibility and the primacy of equal treatment of all human rights, with a view to deciding on the future direction of this process.

31st meeting
30 March 2007

[Resolution adopted without a vote.][37]

4/8. Follow-up to decision S-4/101 of 13 December 2006 adopted by the Human Rights Council at its fourth special session entitled "Situation of human rights in Darfur"

The Human Rights Council,

Recalling its decision S-4/101 of 13 December 2006, adopted by consensus, in which the Council decided to establish a High-Level Mission to assess the human rights situation in Darfur and the needs of the Sudan in this regard, and to report to the Human Rights Council at its fourth session,

Recalling that the Government of the Sudan welcomed this decision and expressed its readiness to improve the human rights situation in Darfur,

1. *Takes note with regret* that the High-Level Mission could not visit Darfur;

2. *Takes note* of the report of the High-Level Mission on the situation of human rights in Darfur pursuant to Human Rights Council decision S-4/101 (A/HRC/4/80);

3. *Expresses its deep concern* regarding the seriousness of the ongoing violations of human rights and international humanitarian law in Darfur, including armed attacks on the civilian population and humanitarian workers, widespread destruction of villages, and continued and widespread violence, in particular gender-based violence against women and girls, as well as the lack of accountability of perpetrators of such crimes;

4. *Calls upon* all parties to the conflict in Darfur to put an end to all acts of violence against civilians, with a special focus on vulnerable groups including women, children and internally displaced persons, as well as humanitarian workers;

5. *Calls upon* the signatories of the Darfur Peace Agreement to comply with their obligations under the agreement, acknowledges the measures already taken towards its implementation and calls upon non-signatory parties to join in and to commit themselves to the peace agreement in compliance with the relevant United Nations resolutions;

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[37] See A/HRC/4/123 and Corr.1, chap. III, paras. 172-174.

6. *Decides* to convene a group to be presided over by the Special Rapporteur on the situation of human rights in the Sudan, composed of the Special Representative of the Secretary-General for children and armed conflict, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Representative of the Secretary-General on the situation of human rights defenders, the Representative of the Secretary-General on human rights of internally displaced persons, the Special Rapporteur on the question of torture and the Special Rapporteur on violence against women, its causes and consequences;

7. *Requests* this group to work with the Government of the Sudan, the appropriate human rights mechanisms of the African Union and to closely consult with the Chairman of the Darfur-Darfur Dialogue and Consultation (DDDC) to ensure the effective follow-up and to foster the implementation of resolutions and recommendations on Darfur, as adopted by the Human Rights Council, the Commission on Human Rights and other United Nations human rights institutions as well as to promote the implementation of relevant recommendations of other United Nations human rights mechanisms, taking into account the needs of the Sudan in this regard, to safeguard the consistency of these recommendations and to contribute to monitoring the human rights situation on the ground;

8. *Calls upon* the Government of the Sudan to fully cooperate with the group;

9. *Requests* the group to report to the Council at its fifth session;

10. *Decides* to take a decision at its fifth session of any follow-up action that might be required.

31st meeting
30 March 2007

[Resolution adopted without a vote.][38]

4/9. Combating defamation of religions

The Human Rights Council,

Recalling the 2005 World Summit Outcome adopted by the General Assembly in resolution 60/1 of 24 October 2005 in which the Assembly emphasized the responsibilities of all States, in conformity with the Charter of the United Nations, to respect human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language or religion, political or other opinion, national or social origin, property, birth or other status, and which acknowledged the importance of respect and understanding for religious and cultural diversity throughout the world,

[38] A/HRC/4/123 and Corr.1, chap. III, paras. 175-182.

Recalling also the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12 and Corr.1),

Recognizing the valuable contributions of all religions to modern civilization and the contribution that dialogue among civilizations can make to an improved awareness and understanding of the common values shared by all humankind,

Recalling also the Final Communiqué of the Third Extraordinary Session of the Islamic Summit Conference, held in Makkah, Saudi Arabia, on 7 and 8 December 2005, which expressed serious concern at rising discrimination against Muslims,

Taking note of the report of the High Commissioner for Human Rights on "Combating defamation of religions" (A/HRC/4/50),

Welcoming the report by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the "Situation of Muslims and Arabs in various parts of the world" (E/CN.4/2006/17),

Also welcoming the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance submitted to the Human Rights Council at it fourth session (A/HRC/4/19), in which he draws the attention of member States to the serious nature of the defamation of all religions and to the promotion of the fight against these phenomena by strengthening the role of interreligious and intercultural dialogue, promoting reciprocal understanding and joint action to meet the fundamental challenges of development, peace and the protection and promotion of human rights,

Emphasizing that States, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and freedom of religion and belief through education,

Noting with concern that defamation of religions is among the causes of social disharmony and leads to violations of human rights,

Noting with deep concern the increasing trend in recent years of statements attacking religions, Islam and Muslims in particular, in human rights forums,

1. *Expresses concern* at negative stereotyping of religions and manifestations of intolerance and discrimination in matters of religion or belief;

2. *Expresses deep concern* at attempts to identify Islam with terrorism, violence and human rights violations;

3. *Notes with deep concern* the intensification of the campaign of defamation of religions, and the ethnic and religious profiling of Muslim minorities, in the aftermath of the tragic events of 11 September 2001;

4. *Recognizes* that, in the context of the fight against terrorism, defamation of religions becomes an aggravating factor that contributes to the denial of fundamental rights and freedoms of target groups, as well as their economic and social exclusion;

5. *Also expresses concern* at laws or administrative measures that have been specifically designed to "control" and "monitor" Muslim and Arab minorities, thereby stigmatizing them further and legitimating the discrimination that they experience;

6. *Strongly deplores* physical attacks and assaults on businesses, cultural centres and places of worship of all religions as well as targeting of religious symbols;

7. *Urges* States to take resolute action to prohibit the dissemination, including through political institutions and organizations, of racist and xenophobic ideas and material aimed at any religion or its followers that constitute incitement to racial and religious hatred, hostility or violence;

8. *Also urges* States to provide, within their respective legal and constitutional systems, adequate protection against acts of hatred, discrimination, intimidation and coercion resulting from defamation of religions, to take all possible measures to promote tolerance and respect for all religions and their value systems and to complement legal systems with intellectual and moral strategies to combat religious hatred and intolerance;

9. *Further urges* all States to ensure that all public officials, including members of law enforcement bodies, the military, civil servants and educators, in the course of their official duties, respect different religions and beliefs and do not discriminate against persons on the grounds of their religion or belief, and that any necessary and appropriate education or training is provided;

10. *Emphasizes* that everyone has the right to freedom of expression, which should be exercised with responsibility and may therefore be subject to limitations as provided by law and necessary for respect of the rights or reputations of others, protection of national security or of public order, public health or morals and respect for religions and beliefs;

11. *Deplores* the use of the print, audio-visual and electronic media, including the Internet, and any other means to incite acts of violence, xenophobia or related intolerance and discrimination towards Islam or any other religion;

12. *Invites* the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to report on all manifestations of defamation of religions and in particular on the serious implications of Islamophobia on the enjoyment of all rights at its sixth session;

13. *Requests* the High Commissioner for Human Rights to report to the Human Rights Council on the implementation of this resolution at its sixth session.

31st meeting
30 March 2007

[Resolution adopted by a recorded vote of 24 to 14, with 9 abstentions. The voting was as follows:

In favour: Algeria, Azerbaijan, Bahrain, Bangladesh, Cameroon, China, Cuba, Djibouti, Gabon, Indonesia, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Pakistan, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia.

Against: Canada, Czech Republic, Finland, France, Germany, Guatemala, Japan, Netherlands, Poland, Republic of Korea, Romania, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Argentina, Brazil, Ecuador, Ghana, India, Nigeria, Peru, Uruguay, Zambia.][39]

4/10. Elimination of all forms of intolerance and discrimination based on religion or belief

The Human Rights Council,

Recalling all resolutions on the elimination of all forms of intolerance and of discrimination based on religion or belief that have been adopted by the General Assembly and by the Commission on Human Rights,

Recalling also article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights and other relevant human rights provisions,

Considering that religion or belief, for those who profess either, is one of the fundamental elements in their conception of life and that freedom of religion or belief should be fully respected and guaranteed,

Considering also that the disregard for and infringement of human rights and fundamental freedoms, in particular the right to freedom of thought, conscience, religion or belief, continue to bring, directly or indirectly, wars and great suffering to humankind,

1. *Decides* to continue substantive consideration of this matter at its sixth session;

2. *Requests* the Special Rapporteur on freedom of religion or belief to report on this issue to the Human Rights Council at its sixth session.

31st meeting
30 March 2007

[Resolution adopted without a vote.][40]

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[39] See A/HRC/4/123 and Corr.1, chap. III, paras. 183-189.

[40] See A/HRC/4/123 and Corr.1, chap. III, paras. 190-194.

B. DECISIONS

4/101. Dates of the fifth session of the Human Rights Council

At its 5th meeting, on 14 March 2007, the Human Rights Council, recalling General Assembly resolution 60/251 of 15 March 2006, in particular its provisions relating to the institution-building process of the Council, decided, without a vote,[41] to convene its fifth session from 11 to 18 June 2007, in order to consider in particular the institution-building process of the Council and to request the Secretary-General to provide the necessary support for the holding of the fifth session of the Human Rights Council.

4/102. Transitional justice

At its 21st meeting, on 23 March 2007, the Human Rights Council decided, without a vote,[42] to commend the Office of the United Nations High Commissioner for Human Rights for its efforts in developing the issue of transitional justice and human rights, inter alia by expanding the presence of the Office in peacebuilding operations, and to encourage the Office to continue to strengthen its important practical and analytical work regarding this complex issue.

4/103. Human rights and unilateral coercive measures

At its 31st meeting, on 30 March 2007, the Human Rights Council, recalling Commission on Human Rights resolution 2005/14 of 14 April 2005 and General Assembly resolution 61/170 of 19 December 2006, and taking note of the report of the Secretary-General on this issue (E/CN.4/2006/37 and A/HRC/4/61), decided by a recorded vote of 32 to 12, with 1 abstention:[43]

(*a*) To request the United Nations High Commissioner for Human Rights, in discharging her functions in relation to the promotion and protection of human rights, to pay due attention and give urgent consideration to the above-mentioned resolution and to the present decision;

(*b*) To request the Secretary-General of the United Nations to bring the present decision to the attention of all States and to seek their views and information on the implications and negative effects of unilateral coercive measures on their populations, and to submit a report thereon to the Council at its sixth session.

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[41] See A/HRC/4/123 and Corr.1, chap. II, para. 14.

[42] See A/HRC/4/123 and Corr.1, chap. III, paras. 131-133.

[43] *In favour:* Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, Cameroon, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, India, Indonesia, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Pakistan, Peru, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.

Against: Canada, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Romania, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Republic of Korea.

[See A/HRC/4/123 and Corr.1, chap. III, paras. 146-150.]

4/104. Enhancement of international cooperation in the field of human rights

At its 31st meeting, on 30 March 2007, the Human Rights Council, recalling Commission on Human Rights resolution 2005/54 of 20 April 2005 and General Assembly resolution 61/168 of 19 December 2006 decided without a vote:[44]

(*a*) To request the United Nations High Commissioner for Human Rights to consult States, and intergovernmental and non-governmental organizations on ways and means to enhance the international cooperation and dialogue in the United Nations human rights machinery, including the Human Rights Council as recognized in the ninth preambular paragraph of General Assembly resolution 60/251 of 15 March 2006;

(*b*) Also to request the High Commissioner to present a report on the basis of her findings to the Council before the end of 2007.

4/105. Postponement of consideration of draft proposals

At its 32nd meeting, on 30 March 2007, the Human Rights Council decided, without a vote,[45] to take note of the deferral of the following draft proposals:

(a) To the fifth session of the Human Rights Council:

A/HRC/2/L.19	The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination
A/HRC/2/L.30	World Programme for Human Rights Education
A/HRC/4/L.3	The Israeli violations of religious and cultural rights in Occupied East Jerusalem
A/HRC/4/L.4	Human rights situation in the Occupied Palestinian Territory

(b) To one of the coming sessions of the Human Rights Council:

A/HRC/2/L.33/Rev.1	Rights of the child
A/HRC/2/L.37	Sri Lanka
A/HRC/2/L.38/Rev.1	Impunity
A/HRC/2/L.42/Rev.1	Freedom of opinion and expression
A/HRC/2/L.43	The rights of indigenous peoples.

[44] See A/HRC/4/123 and Corr.1, chap. III, paras. 157-160.

[45] See A/HRC/4/123 and Corr.1, chap. II, para. 16.

IV. Fifth session

A. RESOLUTIONS

5/1. Institution-building of the United Nations Human Rights Council

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the United Nations General Assembly in resolution 60/251 of 15 March 2006,

Having considered the draft text on institution-building submitted by the President of the Council,

1. *Adopts* the draft text entitled "United Nations Human Rights Council: Institution-Building", as contained in the annex to the present resolution, including its appendix(ces);

2. *Decides* to submit the following draft resolution to the General Assembly for its adoption as a matter of priority in order to facilitate the timely implementation of the text contained thereafter:

"*The General Assembly,*

"*Taking note* of Human Rights Council resolution 5/1 of 18 June 2007,

"1. *Welcomes* the text entitled 'United Nations Human Rights Council: Institution-Building', as contained in the annex to the present resolution, including its appendix(ces)."

9th meeting
18 June 2007

[Resolution adopted without a vote.][46]

Annex

UNITED NATIONS HUMAN RIGHTS COUNCIL: INSTITUTION-BUILDING

I. UNIVERSAL PERIODIC REVIEW MECHANISM

A. Basis of the review

1. The basis of the review is:

(*a*) The Charter of the United Nations;

(*b*) The Universal Declaration of Human Rights;

[46] See A/HRC/5/21, chap. III, paras. 60-62.

(*c*) Human rights instruments to which a State is party;

(*d*) Voluntary pledges and commitments made by States, including those undertaken when presenting their candidatures for election to the Human Rights Council (hereinafter "the Council").

2. In addition to the above and given the complementary and mutually interrelated nature of international human rights law and international humanitarian law, the review shall take into account applicable international humanitarian law.

B. Principles and objectives

1. Principles

3. The universal periodic review should:

(*a*) Promote the universality, interdependence, indivisibility and interrelatedness of all human rights;

(*b*) Be a cooperative mechanism based on objective and reliable information and on interactive dialogue;

(*c*) Ensure universal coverage and equal treatment of all States;

(*d*) Be an intergovernmental process, United Nations Member-driven and action-oriented;

(*e*) Fully involve the country under review;

(*f*) Complement and not duplicate other human rights mechanisms, thus representing an added value;

(*g*) Be conducted in an objective, transparent, non-selective, constructive, non-confrontational and non-politicized manner;

(*h*) Not be overly burdensome to the concerned State or to the agenda of the Council;

(*i*) Not be overly long; it should be realistic and not absorb a disproportionate amount of time, human and financial resources;

(*j*) Not diminish the Council's capacity to respond to urgent human rights situations;

(*k*) Fully integrate a gender perspective;

(*l*) Without prejudice to the obligations contained in the elements provided for in the basis of review, take into account the level of development and specificities of countries;

(*m*) Ensure the participation of all relevant stakeholders, including non-governmental organizations and national human rights institutions, in accordance with General Assembly resolution 60/251 of 15 March 2006 and Economic and Social Council resolution 1996/31 of 25 July 1996, as well as any decisions that the Council may take in this regard.

2. Objectives

4. The objectives of the review are:

(*a*) The improvement of the human rights situation on the ground;

(*b*) The fulfilment of the State's human rights obligations and commitments and assessment of positive developments and challenges faced by the State;

(*c*) The enhancement of the State's capacity and of technical assistance, in consultation with, and with the consent of, the State concerned;

(*d*) The sharing of best practice among States and other stakeholders;

(*e*) Support for cooperation in the promotion and protection of human rights;

(*f*) The encouragement of full cooperation and engagement with the Council, other human rights bodies and the Office of the United Nations High Commissioner for Human Rights.

C. Periodicity and order of the review

5. The review begins after the adoption of the universal periodic review mechanism by the Council.

6. The order of review should reflect the principles of universality and equal treatment.

7. The order of the review should be established as soon as possible in order to allow States to prepare adequately.

8. All member States of the Council shall be reviewed during their term of membership.

9. The initial members of the Council, especially those elected for one or two-year terms, should be reviewed first.

10. A mix of member and observer States of the Council should be reviewed.

11. Equitable geographic distribution should be respected in the selection of countries for review.

12. The first member and observer States to be reviewed will be chosen by the drawing of lots from each Regional Group in such a way as to ensure full respect for equitable geographic distribution. Alphabetical order will then be applied beginning with those countries thus selected, unless other countries volunteer to be reviewed.

13. The period between review cycles should be reasonable so as to take into account the capacity of States to prepare for, and the capacity of other stakeholders to respond to, the requests arising from the review.

14. The periodicity of the review for the first cycle will be of four years. This will imply the consideration of 48 States per year during three sessions of the working group of two weeks each.[a]

D. Process and modalities of the review

1. Documentation

15. The documents on which the review would be based are:

(*a*) Information prepared by the State concerned, which can take the form of a national report, on the basis of general guidelines to be adopted by the Council at its sixth session (first session of the second cycle), and any other information considered relevant by the State concerned, which could be presented either orally or in writing, provided that the written presentation summarizing the information will not exceed 20 pages, to guarantee equal treatment to all States and not to overburden the mechanism. States are encouraged to prepare the information through a broad consultation process at the national level with all relevant stakeholders;

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[a] The universal periodic review is an evolving process; the Council, after the conclusion of the first review cycle, may review the modalities and the periodicity of this mechanism, based on best practices and lessons learned.

(*b*) Additionally a compilation prepared by the Office of the High Commissioner for Human Rights of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents, which shall not exceed 10 pages;

(*c*) Additional, credible and reliable information provided by other relevant stakeholders to the universal periodic review which should also be taken into consideration by the Council in the review. The Office of the High Commissioner for Human Rights will prepare a summary of such information which shall not exceed 10 pages.

16. The documents prepared by the Office of the High Commissioner for Human Rights should be elaborated following the structure of the general guidelines adopted by the Council regarding the information prepared by the State concerned.

17. Both the State's written presentation and the summaries prepared by the Office of the High Commissioner for Human Rights shall be ready six weeks prior to the review by the working group to ensure the distribution of documents simultaneously in the six official languages of the United Nations, in accordance with General Assembly resolution 53/208 of 14 January 1999.

2. Modalities

18. The modalities of the review shall be as follows:

(*a*) The review will be conducted in one working group, chaired by the President of the Council and composed of the 47 member States of the Council. Each member State will decide on the composition of its delegation;[b]

(*b*) Observer States may participate in the review, including in the interactive dialogue;

(*c*) Other relevant stakeholders may attend the review in the Working Group;

(*d*) A group of three rapporteurs, selected by the drawing of lots among the members of the Council and from different Regional Groups (*troika*) will be formed to facilitate each review, including the preparation of the report of the working group. The Office of the High Commissioner for Human Rights will provide the necessary assistance and expertise to the rapporteurs.

19. The country concerned may request that one of the rapporteurs be from its own Regional Group and may also request the substitution of a rapporteur on only one occasion.

20. A rapporteur may request to be excused from participation in a specific review process.

21. Interactive dialogue between the country under review and the Council will take place in the working group. The rapporteurs may collate issues or questions to be transmitted to the State under review to facilitate its preparation and focus the interactive dialogue, while guaranteeing fairness and transparency.

22. The duration of the review will be three hours for each country in the working group. Additional time of up to one hour will be allocated for the consideration of the outcome by the plenary of the Council.

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[b] A Universal Periodic Review Voluntary Trust Fund should be established to facilitate the participation of developing countries, particularly the Least Developed Countries, in the universal periodic review mechanism.

23. Half an hour will be allocated for the adoption of the report of each country under review in the working group.

24. A reasonable time frame should be allocated between the review and the adoption of the report of each State in the working group.

25. The final outcome will be adopted by the plenary of the Council.

E. Outcome of the review

1. Format of the outcome

26. The format of the outcome of the review will be a report consisting of a summary of the proceedings of the review process; conclusions and/or recommendations, and the voluntary commitments of the State concerned.

2. Content of the outcome

27. The universal periodic review is a cooperative mechanism. Its outcome may include, inter alia:

(*a*) An assessment undertaken in an objective and transparent manner of the human rights situation in the country under review, including positive developments and the challenges faced by the country;

(*b*) Sharing of best practices;

(*c*) An emphasis on enhancing cooperation for the promotion and protection of human rights;

(*d*) The provision of technical assistance and capacity-building in consultation with, and with the consent of, the country concerned;[c]

(*e*) Voluntary commitments and pledges made by the country under review.

3. Adoption of the outcome

28. The country under review should be fully involved in the outcome.

29. Before the adoption of the outcome by the plenary of the Council, the State concerned should be offered the opportunity to present replies to questions or issues that were not sufficiently addressed during the interactive dialogue.

30. The State concerned and the member States of the Council, as well as observer States, will be given the opportunity to express their views on the outcome of the review before the plenary takes action on it.

31. Other relevant stakeholders will have the opportunity to make general comments before the adoption of the outcome by the plenary.

32. Recommendations that enjoy the support of the State concerned will be identified as such. Other recommendations, together with the comments of the State concerned thereon, will be noted. Both will be included in the outcome report to be adopted by the Council.

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[c] A decision should be taken by the Council on whether to resort to existing financing mechanisms or to create a new mechanism.

F. Follow-up to the review

33. The outcome of the universal periodic review, as a cooperative mechanism, should be implemented primarily by the State concerned and, as appropriate, by other relevant stakeholders.

34. The subsequent review should focus, inter alia, on the implementation of the preceding outcome.

35. The Council should have a standing item on its agenda devoted to the universal periodic review.

36. The international community will assist in implementing the recommendations and conclusions regarding capacity-building and technical assistance, in consultation with, and with the consent of, the country concerned.

37. In considering the outcome of the universal periodic review, the Council will decide if and when any specific follow-up is necessary.

38. After exhausting all efforts to encourage a State to cooperate with the universal periodic review mechanism, the Council will address, as appropriate, cases of persistent non-cooperation with the mechanism.

II. SPECIAL PROCEDURES

A. Selection and appointment of mandate-holders

39. The following general criteria will be of paramount importance while nominating, selecting and appointing mandate-holders: (a) expertise; (b) experience in the field of the mandate; (c) independence; (d) impartiality; (e) personal integrity; and (f) objectivity.

40. Due consideration should be given to gender balance and equitable geographic representation, as well as to an appropriate representation of different legal systems.

41. Technical and objective requirements for eligible candidates for mandate-holders will be approved by the Council at its sixth session (first session of the second cycle), in order to ensure that eligible candidates are highly qualified individuals who possess established competence, relevant expertise and extensive professional experience in the field of human rights.

42. The following entities may nominate candidates as special procedures mandate-holders: (a) Governments; (b) Regional Groups operating within the United Nations human rights system; (c) international organizations or their offices (e.g. the Office of the High Commissioner for Human Rights); (d) non-governmental organizations; (e) other human rights bodies; (f) individual nominations.

43. The Office of the High Commissioner for Human Rights shall immediately prepare, maintain and periodically update a public list of eligible candidates in a standardized format, which shall include personal data, areas of expertise and professional experience. Upcoming vacancies of mandates shall be publicized.

44. The principle of non-accumulation of human rights functions at a time shall be respected.

45. A mandate-holder's tenure in a given function, whether a thematic or country mandate, will be no longer than six years (two terms of three years for thematic mandate-holders).

46. Individuals holding decision-making positions in Government or in any other organization or entity which may give rise to a conflict of interest with the responsibilities inherent to the mandate shall be excluded. Mandate-holders will act in their personal capacity.

47. A consultative group would be established to propose to the President, at least one month before the beginning of the session in which the Council would consider the selection of mandate-holders, a list of candidates who possess the highest qualifications for the mandates in question and meet the general criteria and particular requirements.

48. The consultative group shall also give due consideration to the exclusion of nominated candidates from the public list of eligible candidates brought to its attention.

49. At the beginning of the annual cycle of the Council, Regional Groups would be invited to appoint a member of the consultative group, who would serve in his/her personal capacity. The Group will be assisted by the Office of the High Commissioner for Human Rights.

50. The consultative group will consider candidates included in the public list; however, under exceptional circumstances and if a particular post justifies it, the Group may consider additional nominations with equal or more suitable qualifications for the post. Recommendations to the President shall be public and substantiated.

51. The consultative group should take into account, as appropriate, the views of stakeholders, including the current or outgoing mandate-holders, in determining the necessary expertise, experience, skills, and other relevant requirements for each mandate.

52. On the basis of the recommendations of the consultative group and following broad consultations, in particular through the regional coordinators, the President of the Council will identify an appropriate candidate for each vacancy. The President will present to member States and observers a list of candidates to be proposed at least two weeks prior to the beginning of the session in which the Council will consider the appointments.

53. If necessary, the President will conduct further consultations to ensure the endorsement of the proposed candidates. The appointment of the special procedures mandate-holders will be completed upon the subsequent approval of the Council. Mandate-holders shall be appointed before the end of the session.

B. Review, rationalization and improvement of mandates

54. The review, rationalization and improvement of mandates, as well as the creation of new ones, must be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.

55. The review, rationalization and improvement of each mandate would take place in the context of the negotiations of the relevant resolutions. An assessment of the mandate may take place in a separate segment of the interactive dialogue between the Council and special procedures mandate-holders.

56. The review, rationalization and improvement of mandates would focus on the relevance, scope and contents of the mandates, having as a framework the internationally recognized human rights standards, the system of special procedures and General Assembly resolution 60/251.

57. Any decision to streamline, merge or possibly discontinue mandates should always be guided by the need for improvement of the enjoyment and protection of human rights.

58. The Council should always strive for improvements:

(*a*) Mandates should always offer a clear prospect of an increased level of human rights protection and promotion as well as being coherent within the system of human rights;

(*b*) Equal attention should be paid to all human rights. The balance of thematic mandates should broadly reflect the accepted equal importance of civil, political, economic, social and cultural rights, including the right to development;

(*c*) Every effort should be made to avoid unnecessary duplication;

(*d*) Areas which constitute thematic gaps will be identified and addressed, including by means other than the creation of special procedures mandates, such as by expanding an existing mandate, bringing a cross-cutting issue to the attention of mandate-holders or by requesting a joint action to the relevant mandate-holders;

(*e*) Any consideration of merging mandates should have regard to the content and predominant functions of each mandate, as well as to the workload of individual mandate-holders;

(*f*) In creating or reviewing mandates, efforts should be made to identify whether the structure of the mechanism (expert, rapporteur or working group) is the most effective in terms of increasing human rights protection;

(*g*) New mandates should be as clear and specific as possible, so as to avoid ambiguity.

59. It should be considered desirable to have a uniform nomenclature of mandate-holders, titles of mandates as well as a selection and appointment process, to make the whole system more understandable.

60. Thematic mandate periods will be of three years. Country mandate periods will be of one year.

61. Mandates included in Appendix I, where applicable, will be renewed until the date on which they are considered by the Council according to the programme of work.[d]

62. Current mandate-holders may continue serving, provided they have not exceeded the six-year term limit (Appendix II). On an exceptional basis, the term of those mandate-holders who have served more than six years may be extended until the relevant mandate is considered by the Council and the selection and appointment process has concluded.

63. Decisions to create, review or discontinue country mandates should also take into account the principles of cooperation and genuine dialogue aimed at strengthening the capacity of Member States to comply with their human rights obligations.

64. In case of situations of violations of human rights or a lack of cooperation that require the Council's attention, the principles of objectivity, non-selectivity, and the elimination of double standards and politicization should apply.

III. HUMAN RIGHTS COUNCIL ADVISORY COMMITTEE

65. The Human Rights Council Advisory Committee (hereinafter "the Advisory Committee"), composed of 18 experts serving in their personal capacity, will function as a think-tank for the Council and work at its direction. The establishment of this subsidiary body and its functioning will be executed according to the guidelines stipulated below.

A. Nomination

66. All Member States of the United Nations may propose or endorse candidates from their own region. When selecting their candidates, States should consult their national human rights institutions and civil society organizations and, in this regard, include the names of those supporting their candidates.

67. The aim is to ensure that the best possible expertise is made available to the Council. For this purpose, technical and objective requirements for the submission of candidatures will be established and approved by the Council at its sixth session (first session of the second cycle). These should include:

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[d] Country mandates meet the following criteria:

- There is a pending mandate of the Council to be accomplished; or
- There is a pending mandate of the General Assembly to be accomplished; or
- The nature of the mandate is for advisory services and technical assistance.

(*a*) Recognized competence and experience in the field of human rights;

(*b*) High moral standing;

(*c*) Independence and impartiality.

68. Individuals holding decision-making positions in Government or in any other organization or entity which might give rise to a conflict of interest with the responsibilities inherent in the mandate shall be excluded. Elected members of the Committee will act in their personal capacity.

69. The principle of non-accumulation of human rights functions at the same time shall be respected.

B. Election

70. The Council shall elect the members of the Advisory Committee, in secret ballot, from the list of candidates whose names have been presented in accordance with the agreed requirements.

71. The list of candidates shall be closed two months prior to the election date. The Secretariat will make available the list of candidates and relevant information to member States and to the public at least one month prior to their election.

72. Due consideration should be given to gender balance and appropriate representation of different civilizations and legal systems.

73. The geographic distribution will be as follows:

African States: 5

Asian States: 5

Eastern European States: 2

Latin American and Caribbean States: 3

Western European and other States: 3

74. The members of the Advisory Committee shall serve for a period of three years. They shall be eligible for re-election once. In the first term, one third of the experts will serve for one year and another third for two years. The staggering of terms of membership will be defined by the drawing of lots.

C. Functions

75. The function of the Advisory Committee is to provide expertise to the Council in the manner and form requested by the Council, focusing mainly on studies and research-based advice. Further, such expertise shall be rendered only upon the latter's request, in compliance with its resolutions and under its guidance.

76. The Advisory Committee should be implementation-oriented and the scope of its advice should be limited to thematic issues pertaining to the mandate of the Council; namely promotion and protection of all human rights.

77. The Advisory Committee shall not adopt resolutions or decisions. The Advisory Committee may propose within the scope of the work set out by the Council, for the latter's consideration and approval, suggestions for further enhancing its procedural efficiency, as well as further research proposals within the scope of the work set out by the Council.

78. The Council shall issue specific guidelines for the Advisory Committee when it requests a substantive contribution from the latter and shall review all or any portion of those guidelines if it deems necessary in the future.

D. Methods of work

79. The Advisory Committee shall convene up to two sessions for a maximum of 10 working days per year. Additional sessions may be scheduled on an ad hoc basis with prior approval of the Council.

80. The Council may request the Advisory Committee to undertake certain tasks that could be performed collectively, through a smaller team or individually. The Advisory Committee will report on such efforts to the Council.

81. Members of the Advisory Committee are encouraged to communicate between sessions, individually or in teams. However, the Advisory Committee shall not establish subsidiary bodies unless the Council authorizes it to do so.

82. In the performance of its mandate, the Advisory Committee is urged to establish interaction with States, national human rights institutions, non-governmental organizations and other civil society entities in accordance with the modalities of the Council.

83. Member States and observers, including States that are not members of the Council, the specialized agencies, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations shall be entitled to participate in the work of the Advisory Committee based on arrangements, including Economic and Social Council resolution 1996/31 and practices observed by the Commission on Human Rights and the Council, while ensuring the most effective contribution of these entities.

84. The Council will decide at its sixth session (first session of its second cycle) on the most appropriate mechanisms to continue the work of the Working Groups on Indigenous Populations; Contemporary Forms of Slavery; Minorities; and the Social Forum.

IV. COMPLAINT PROCEDURE

A. Objective and scope

85. A complaint procedure is being established to address consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.

86. Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 as revised by resolution 2000/3 of 19 June 2000 served as a working basis and was improved where necessary, so as to ensure that the complaint procedure is impartial, objective, efficient, victims-oriented and conducted in a timely manner. The procedure will retain its confidential nature, with a view to enhancing cooperation with the State concerned.

B. Admissibility criteria for communications

87. A communication related to a violation of human rights and fundamental freedoms, for the purpose of this procedure, shall be admissible, provided that:

(*a*) It is not manifestly politically motivated and its object is consistent with the Charter of the United Nations, the Universal Declaration of Human Rights and other applicable instruments in the field of human rights law;

(*b*) It gives a factual description of the alleged violations, including the rights which are alleged to be violated;

(*c*) Its language is not abusive. However, such a communication may be considered if it meets the other criteria for admissibility after deletion of the abusive language;

(*d*) It is submitted by a person or a group of persons claiming to be the victims of violations of human rights and fundamental freedoms, or by any person or group of persons, including non-governmental organizations, acting in good faith in accordance with the principles of human rights, not resorting to politically motivated stands contrary to the provisions of the Charter of the United Nations and claiming to have direct and reliable knowledge of the violations concerned. Nonetheless, reliably attested communications shall not be inadmissible solely because the knowledge of the individual authors is second-hand, provided that they are accompanied by clear evidence;

(*e*) It is not exclusively based on reports disseminated by mass media;

(*f*) It does not refer to a case that appears to reveal a consistent pattern of gross and reliably attested violations of human rights already being dealt with by a special procedure, a treaty body or other United Nations or similar regional complaints procedure in the field of human rights;

(*g*) Domestic remedies have been exhausted, unless it appears that such remedies would be ineffective or unreasonably prolonged.

88. National human rights institutions, established and operating under the Principles Relating to the Status of National Institutions (the Paris Principles), in particular in regard to quasi-judicial competence, may serve as effective means of addressing individual human rights violations.

C. Working groups

89. Two distinct working groups shall be established with the mandate to examine the communications and to bring to the attention of the Council consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms.

90. Both working groups shall, to the greatest possible extent, work on the basis of consensus. In the absence of consensus, decisions shall be taken by simple majority of the votes. They may establish their own rules of procedure.

1. Working Group on Communications: composition, mandate and powers

91. The Human Rights Council Advisory Committee shall appoint five of its members, one from each Regional Group, with due consideration to gender balance, to constitute the Working Group on Communications.

92. In case of a vacancy, the Advisory Committee shall appoint an independent and highly qualified expert of the same Regional Group from the Advisory Committee.

93. Since there is a need for independent expertise and continuity with regard to the examination and assessment of communications received, the independent and highly qualified experts of the Working Group on Communications shall be appointed for three years. Their mandate is renewable only once.

94. The Chairperson of the Working Group on Communications is requested, together with the secretariat, to undertake an initial screening of communications received, based on the admissibility criteria, before transmitting them to the States concerned. Manifestly ill-founded or anonymous communications shall be screened out by the Chairperson and shall therefore not be transmitted to the State concerned. In a perspective of accountability and transparency, the Chairperson of the Working Group on Communications shall provide all its members with a list of all communications rejected after initial screening. This list should indicate the grounds of all decisions resulting in the rejection of a communication. All other communications, which have not been screened out, shall be transmitted to the State concerned, so as to obtain the views of the latter on the allegations of violations.

95. The members of the Working Group on Communications shall decide on the admissibility of a communication and assess the merits of the allegations of violations, including whether the communication alone or in combination with other communications appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms. The Working Group on Communications shall provide the

Working Group on Situations with a file containing all admissible communications as well as recommendations thereon. When the Working Group on Communications requires further consideration or additional information, it may keep a case under review until its next session and request such information from the State concerned. The Working Group on Communications may decide to dismiss a case. All decisions of the Working Group on Communications shall be based on a rigorous application of the admissibility criteria and duly justified.

2. Working Group on Situations: composition, mandate and powers

96. Each Regional Group shall appoint a representative of a member State of the Council, with due consideration to gender balance, to serve on the Working Group on Situations. Members shall be appointed for one year. Their mandate may be renewed once, if the State concerned is a member of the Council.

97. Members of the Working Group on Situations shall serve in their personal capacity. In order to fill a vacancy, the respective Regional Group to which the vacancy belongs, shall appoint a representative from member States of the same Regional Group.

98. The Working Group on Situations is requested, on the basis of the information and recommendations provided by the Working Group on Communications, to present the Council with a report on consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms and to make recommendations to the Council on the course of action to take, normally in the form of a draft resolution or decision with respect to the situations referred to it. When the Working Group on Situations requires further consideration or additional information, its members may keep a case under review until its next session. The Working Group on Situations may also decide to dismiss a case.

99. All decisions of the Working Group on Situations shall be duly justified and indicate why the consideration of a situation has been discontinued or action recommended thereon. Decisions to discontinue should be taken by consensus; if that is not possible, by simple majority of the votes.

D. Working modalities and confidentiality

100. Since the complaint procedure is to be, inter alia, victims-oriented and conducted in a confidential and timely manner, both Working Groups shall meet at least twice a year for five working days each session, in order to promptly examine the communications received, including replies of States thereon, and the situations of which the Council is already seized under the complaint procedure.

101. The State concerned shall cooperate with the complaint procedure and make every effort to provide substantive replies in one of the United Nations official languages to any of the requests of the Working Groups or the Council. The State concerned shall also make every effort to provide a reply not later than three months after the request has been made. If necessary, this deadline may however be extended at the request of the State concerned.

102. The Secretariat is requested to make the confidential files available to all members of the Council, at least two weeks in advance, so as to allow sufficient time for the consideration of the files.

103. The Council shall consider consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms brought to its attention by the Working Group on Situations as frequently as needed, but at least once a year.

104. The reports of the Working Group on Situations referred to the Council shall be examined in a confidential manner, unless the Council decides otherwise. When the Working Group on Situations recommends to the Council that it consider a situation in a public meeting, in particular in the case of manifest and unequivocal lack of cooperation, the Council shall consider such recommendation on a priority basis at its next session.

105. So as to ensure that the complaint procedure is victims-oriented, efficient and conducted in a timely manner, the period of time between the transmission of the complaint to the State concerned and consideration by the Council shall not, in principle, exceed 24 months.

E. Involvement of the complainant and of the State concerned

106. The complaint procedure shall ensure that both the author of a communication and the State concerned are informed of the proceedings at the following key stages:

(*a*) When a communication is deemed inadmissible by the Working Group on Communications or when it is taken up for consideration by the Working Group on Situations; or when a communication is kept pending by one of the Working Groups or by the Council;

(*b*) At the final outcome.

107. In addition, the complainant shall be informed when his/her communication is registered by the complaint procedure.

108. Should the complainant request that his/her identity be kept confidential, it will not be transmitted to the State concerned.

F. Measures

109. In accordance with established practice the action taken in respect of a particular situation should be one of the following options:

(*a*) To discontinue considering the situation when further consideration or action is not warranted;

(*b*) To keep the situation under review and request the State concerned to provide further information within a reasonable period of time;

(*c*) To keep the situation under review and appoint an independent and highly qualified expert to monitor the situation and report back to the Council;

(*d*) To discontinue reviewing the matter under the confidential complaint procedure in order to take up public consideration of the same;

(*e*) To recommend to OHCHR to provide technical cooperation, capacity-building assistance or advisory services to the State concerned.

V. AGENDA AND FRAMEWORK FOR THE PROGRAMME OF WORK

A. Principles

Universality

Impartiality

Objectivity

Non-selectiveness

Constructive dialogue and cooperation

Predictability

Flexibility

Transparency

Accountability

Balance

Inclusive/comprehensive

Gender perspective

Implementation and follow-up of decisions

B. Agenda

Item 1. Organizational and procedural matters

Item 2. Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Item 3. Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Item 4. Human rights situations that require the Council's attention

Item 5. Human rights bodies and mechanisms

Item 6. Universal Periodic Review

Item 7. Human rights situation in Palestine and other occupied Arab territories

Item 8. Follow-up and implementation of the Vienna Declaration and Programme of Action

Item 9. Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action

Item 10. Technical assistance and capacity-building

C. Framework for the programme of work

Item 1. Organizational and procedural matters

Election of the Bureau

Adoption of the annual programme of work

Adoption of the programme of work of the session, including other business

Selection and appointment of mandate-holders

Election of members of the Human Rights Council Advisory Committee

Adoption of the report of the session

Adoption of the annual report

Item 2. Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Presentation of the annual report and updates

Item 3. Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Economic, social and cultural rights

Civil and political rights

Rights of peoples, and specific groups and individuals

Right to development

Interrelation of human rights and human rights thematic issues

Item 4. Human rights situations that require the Council's attention

Item 5. Human rights bodies and mechanisms

Report of the Human Rights Council Advisory Committee

Report of the complaint procedure

Item 6. Universal Periodic Review

Item 7. Human rights situation in Palestine and other occupied Arab territories

Human rights violations and implications of the Israeli occupation of Palestine and other occupied Arab territories

Right to self-determination of the Palestinian people

Item 8. Follow-up and implementation of the Vienna Declaration and Programme of Action

Item 9. Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action

Item 10. Technical assistance and capacity-building

VI. METHODS OF WORK

110. The methods of work, pursuant to General Assembly resolution 60/251 should be transparent, impartial, equitable, fair, pragmatic; lead to clarity, predictability, and inclusiveness. They may also be updated and adjusted over time.

A. Institutional arrangements

1. Briefings on prospective resolutions or decisions

111. The briefings on prospective resolutions or decisions would be informative only, whereby delegations would be apprised of resolutions and/or decisions tabled or intended to be tabled. These briefings will be organized by interested delegations.

2. President's open-ended information meetings on resolutions, decisions and other related business

112. The President's open-ended information meetings on resolutions, decisions and other related business shall provide information on the status of negotiations on draft resolutions and/or decisions so that delegations may gain a bird's eye view of the status of such drafts. The consultations shall have a purely informational function, combined with information on the extranet, and be held in a transparent and inclusive manner. They shall not serve as a negotiating forum.

3. Informal consultations on proposals convened by main sponsors

113. Informal consultations shall be the primary means for the negotiation of draft resolutions and/or decisions, and their convening shall be the responsibility of the sponsor(s). At least one informal open-ended consultation should be held on each draft resolution and/or decision before it is considered for action by the Council. Consultations should, as much as possible, be scheduled in a timely, transparent and inclusive manner that takes into account the constraints faced by delegations, particularly smaller ones.

4. Role of the Bureau

114. The Bureau shall deal with procedural and organizational matters. The Bureau shall regularly communicate the contents of its meetings through a timely summary report.

5. Other work formats may include panel debates, seminars and round tables

115. Utilization of these other work formats, including topics and modalities, would be decided by the Council on a case-by-case basis. They may serve as tools of the Council for enhancing dialogue and mutual understanding on certain issues. They should be utilized in the context of the Council's agenda and annual programme of work, and reinforce and/or complement its intergovernmental nature. They shall not be used to substitute or replace existing human rights mechanisms and established methods of work.

6. High-Level Segment

116. The High-Level Segment shall be held once a year during the main session of the Council. It shall be followed by a general segment wherein delegations that did not participate in the High-Level Segment may deliver general statements.

B. Working culture

117. There is a need for:

(*a*) Early notification of proposals;

(*b*) Early submission of draft resolutions and decisions, preferably by the end of the penultimate week of a session;

(*c*) Early distribution of all reports, particularly those of special procedures, to be transmitted to delegations in a timely fashion, at least 15 days in advance of their consideration by the Council, and in all official United Nations languages;

(*d*) Proposers of a country resolution to have the responsibility to secure the broadest possible support for their initiatives (preferably 15 members), before action is taken;

(e) Restraint in resorting to resolutions, in order to avoid proliferation of resolutions without prejudice to the right of States to decide on the periodicity of presenting their draft proposals by:

(i) Minimizing unnecessary duplication of initiatives with the General Assembly/Third Committee;

(ii) Clustering of agenda items;

(iii) Staggering the tabling of decisions and or resolutions and consideration of action on agenda items/issues.

C. Outcomes other than resolutions and decisions

118. These may include recommendations, conclusions, summaries of discussions and President's Statement. As such outcomes would have different legal implications, they should supplement and not replace resolutions and decisions.

D. Special sessions of the Council

119. The following provisions shall complement the general framework provided by General Assembly resolution 60/251 and the rules of procedure of the Human Rights Council.

120. The rules of procedure of special sessions shall be in accordance with the rules of procedure applicable for regular sessions of the Council.

121. The request for the holding of a special session, in accordance with the requirement established in paragraph 10 of General Assembly resolution 60/251, shall be submitted to the President and to the secretariat of the Council. The request shall specify the item proposed for consideration and include any other relevant information the sponsors may wish to provide.

122. The special session shall be convened as soon as possible after the formal request is communicated, but, in principle, not earlier than two working days, and not later than five working days after the formal receipt of the request. The duration of the special session shall not exceed three days (six working sessions), unless the Council decides otherwise.

123. The secretariat of the Council shall immediately communicate the request for the holding of a special session and any additional information provided by the sponsors in the request, as well as the date for the convening of the special session, to all United Nations Member States and make the information available to the specialized agencies, other intergovernmental organizations and national human rights institutions, as well as to non-governmental organizations in consultative status by the most expedient and expeditious means of communication. Special session documentation, in particular draft resolutions and decisions, should be made available in all official United Nations languages to all States in an equitable, timely and transparent manner.

124. The President of the Council should hold open-ended informative consultations before the special session on its conduct and organization. In this regard, the secretariat may also be requested to provide additional information, including, on the methods of work of previous special sessions.

125. Members of the Council, concerned States, observer States, specialized agencies, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations in consultative status may contribute to the special session in accordance with the rules of procedure of the Council.

126. If the requesting or other States intend to present draft resolutions or decisions at the special session, texts should be made available in accordance with the Council's relevant rules of procedure. Nevertheless, sponsors are urged to present such texts as early as possible.

127. The sponsors of a draft resolution or decision should hold open-ended consultations on the text of their draft resolution(s) or decision(s) with a view to achieving the widest participation in their consideration and, if possible, achieving consensus on them.

128. A special session should allow participatory debate, be results-oriented and geared to achieving practical outcomes, the implementation of which can be monitored and reported on at the following regular session of the Council for possible follow-up decision.

VII. RULES OF PROCEDURE[e]

SESSIONS

Rules of procedure

Rule 1

The Human Rights Council shall apply the rules of procedure established for the Main Committees of the General Assembly, as applicable, unless subsequently otherwise decided by the Assembly or the Council.

REGULAR SESSIONS

Number of sessions

Rule 2

The Human Rights Council shall meet regularly throughout the year and schedule no fewer than three sessions per Council year, including a main session, for a total duration of no less than 10 weeks.

Assumption of membership

Rule 3

Newly-elected member States of the Human Rights Council shall assume their membership on the first day of the Council year, replacing member States that have concluded their respective membership terms.

Place of meeting

Rule 4

The Human Rights Council shall be based in Geneva.

SPECIAL SESSIONS

Convening of special sessions

Rule 5

The rules of procedure of special sessions of the Human Rights Council will be the same as the rules of procedure applicable for regular sessions of the Human Rights Council.

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[e] Figures indicated in square brackets refer to identical or corresponding rules of the General Assembly or its Main Committees (A/520/Rev.16).

Rule 6

The Human Rights Council shall hold special sessions, when needed, at the request of a member of the Council with the support of one third of the membership of the Council.

PARTICIPATION OF AND CONSULTATION WITH OBSERVERS OF THE COUNCIL

Rule 7

(a) The Council shall apply the rules of procedure established for committees of the General Assembly, as applicable, unless subsequently otherwise decided by the Assembly or the Council, and the participation of and consultation with observers, including States that are not members of the Council, the specialized agencies, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations, shall be based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996, and practices observed by the Commission on Human Rights, while ensuring the most effective contribution of these entities.

(b) Participation of national human rights institutions shall be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005, while ensuring the most effective contribution of these entities.

ORGANIZATION OF WORK AND AGENDA FOR REGULAR SESSIONS

Organizational meetings

Rule 8

(a) At the beginning of each Council year, the Council shall hold an organizational meeting to elect its Bureau and to consider and adopt the agenda, programme of work, and calendar of regular sessions for the Council year indicating, if possible, a target date for the conclusion of its work, the approximate dates of consideration of items and the number of meetings to be allocated to each item.

(b) The President of the Council shall also convene organizational meetings two weeks before the beginning of each session and, if necessary, during the Council sessions to discuss organizational and procedural issues pertinent to that session.

PRESIDENT AND VICE-PRESIDENTS

Elections

Rule 9

(a) At the beginning of each Council year, at its organizational meeting, the Council shall elect, from among the representatives of its members, a President and four Vice-Presidents. The President and the Vice-Presidents shall constitute the Bureau. One of the Vice-Presidents shall serve as Rapporteur.

(b) In the election of the President of the Council, regard shall be had for the equitable geographical rotation of this office among the following Regional Groups: African States, Asian States, Eastern European States, Latin American and Caribbean States, and Western European and other States. The four Vice-Presidents of the Council shall be elected on the basis of equitable geographical distribution from the Regional Groups other than the one to which the President belongs. The selection of the Rapporteur shall be based on geographic rotation.

Bureau

Rule 10

The Bureau shall deal with procedural and organizational matters.

Term of office

Rule 11

The President and the Vice-Presidents shall, subject to rule 13, hold office for a period of one year. They shall not be eligible for immediate re-election to the same post.

Absence of officers

Rule 12 [105]

If the President finds it necessary to be absent during a meeting or any part thereof, he/she shall designate one of the Vice-Presidents to take his/her place. A Vice-President acting as President shall have the same powers and duties as the President. If the President ceases to hold office pursuant to rule 13, the remaining members of the Bureau shall designate one of the Vice-Presidents to take his/her place until the election of a new President.

Replacement of the President or a Vice-President

Rule 13

If the President or any Vice-President ceases to be able to carry out his/her functions or ceases to be a representative of a member of the Council, or if the Member of the United Nations of which he/she is a representative ceases to be a member of the Council, he/she shall cease to hold such office and a new President or Vice-President shall be elected for the unexpired term.

SECRETARIAT

Duties of the secretariat

Rule 14 [47]

The Office of the United Nations High Commissioner for Human Rights shall act as secretariat for the Council. In this regard, it shall receive, translate, print and circulate in all official United Nations languages, documents, reports and resolutions of the Council, its committees and its organs; interpret speeches made at the meetings; prepare, print and circulate the records of the session; have the custody and proper preservation of the documents in the archives of the Council; distribute all documents of the Council to the members of the Council and observers and, generally, perform all other support functions which the Council may require.

RECORDS AND REPORT

Report to the General Assembly

Rule 15

The Council shall submit an annual report to the General Assembly.

PUBLIC AND PRIVATE MEETINGS OF THE HUMAN RIGHTS COUNCIL

General principles

Rule 16 [60]

The meetings of the Council shall be held in public unless the Council decides that exceptional circumstances require the meeting be held in private.

Private meetings

Rule 17 [61]

All decisions of the Council taken at a private meeting shall be announced at an early public meeting of the Council.

CONDUCT OF BUSINESS

Working groups and other arrangements

Rule 18

The Council may set up working groups and other arrangements. Participation in these bodies shall be decided upon by the members, based on rule 7. The rules of procedure of these bodies shall follow those of the Council, as applicable, unless decided otherwise by the Council.

Quorum

Rule 19 [67]

The President may declare a meeting open and permit the debate to proceed when at least one third of the members of the Council are present. The presence of a majority of the members shall be required for any decision to be taken.

Majority required

Rule 20 [125]

Decisions of the Council shall be made by a simple majority of the members present and voting, subject to rule 19.

Appendix I

RENEWED MANDATES UNTIL THEY COULD BE CONSIDERED BY THE HUMAN RIGHTS COUNCIL ACCORDING TO ITS ANNUAL PROGRAMME OF WORK

Independent expert appointed by the Secretary-General on the situation of human rights in Haiti

Independent expert appointed by the Secretary-General on the situation of human rights in Somalia

Independent expert on the situation of human rights in Burundi

Independent expert on technical cooperation and advisory services in Liberia

Independent expert on the situation of human rights in the Democratic Republic of the Congo

Independent expert on human rights and international solidarity

Independent expert on minority issues

Independent expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights

Independent expert on the question of human rights and extreme poverty

Special Rapporteur on the situation of human rights in the Sudan

Special Rapporteur on the situation of human rights in Myanmar

Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea

Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (The duration of this mandate has been established until the end of the occupation.)

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Special Rapporteur on extrajudicial, summary or arbitrary executions

Special Rapporteur on freedom of religion or belief

Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children

Special Rapporteur on the human rights of migrants

Special Rapporteur on the independence of judges and lawyers

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Special Rapporteur on the right to education

Special Rapporteur on the right to food

Special Rapporteur on the sale of children, child prostitution and child pornography

Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Special Rapporteur on violence against women, its causes and consequences

Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises

Special Representative of the Secretary-General for human rights in Cambodia

Special Representative of the Secretary-General on the situation of human rights defenders

Representative of the Secretary-General on human rights of internally displaced persons

Working Group of Experts on People of African Descent

Working Group on Arbitrary Detention

Working Group on Enforced or Involuntary Disappearances

Working Group on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

Appendix II

TERMS IN OFFICE OF MANDATE-HOLDERS

Mandate-holder	Mandate	Terms in office
Charlotte Abaka	Independent Expert on the situation of human rights in Liberia	July 2006 (first term)
Yakın Ertürk	Special Rapporteur on violence against women, its causes and consequences	July 2006 (first term)
Manuela Carmena Castrillo	Working Group on Arbitrary Detention	July 2006 (first term)
Joel Adebayo Adekanye	Working Group on Enforced or Involuntary Disappearances	July 2006 (second term)
Saeed Rajaee Khorasani	Working Group on Enforced or Involuntary Disappearances	July 2006 (first term)
Joe Frans	Working Group on people of African descent	July 2006 (first term)
Leandro Despouy	Special Rapporteur on the independence of judges and lawyers	August 2006 (first term)
Hina Jilani	Special Representative of the Secretary-General on the situation of human rights defenders	August 2006 (second term)
Soledad Villagra de Biedermann	Working Group on Arbitrary Detention	August 2006 (second term)

Mandate-holder	Mandate	Terms in office
Miloon Kothari	Special Rapporteur on adequate housing as a component of the right to an adequate standard of living	September 2006 (second term)
Jean Ziegler	Special Rapporteur on the right to food	September 2006 (second term)
Paulo Sérgio Pinheiro	Special Rapporteur on the situation of human rights in Myanmar	December 2006 (second term)
Darko Göttlicher	Working Group on Enforced or Involuntary Disappearances	January 2007 (first term)
Tamás Bán	Working Group on Arbitrary Detention	April 2007 (second term)
Ghanim Alnajjar	Independent Expert appointed by the Secretary-General on the situation of human rights in Somalia	May 2007 (second term)
John Dugard	Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967	June 2007 (second term)
Rodolfo Stavenhagen	Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people	June 2007 (second term)
Arjun Sengupta	Independent Expert on the question of human rights and extreme poverty	July 2007 (first term)
Akich Okola	Independent Expert on the situation of human rights in Burundi	July 2007 (first term)
Titinga Frédéric Pacéré	Independent Expert on the situation of human rights in the Democratic Republic of the Congo	July 2007 (first term)
Philip Alston	Special Rapporteur on extrajudicial, summary or arbitrary executions	July 2007 (first term)
Asma Jahangir	Special Rapporteur on freedom of religion or belief	July 2007 (first term)
Okechukwu Ibeanu	Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights	July 2007 (first term)
Vernor Muñoz Villalobos	Special Rapporteur on the right to education	July 2007 (first term)

Mandate-holder	Mandate	Terms in office
Juan Miguel Petit	Special Rapporteur on the sale of children, child prostitution and child pornography	July 2007 (second term)
Vitit Muntarbhorn	Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea	July 2007 (first term)
Leila Zerrougui	Working Group on Arbitrary Detention	August 2007 (second term)
Santiago Corcuera Cabezut	Working Group on Enforced or Involuntary Disappearances	August 2007 (first term)
Walter Kälin	Representative of the Secretary-General on the human rights of internally displaced persons	September 2007 (first term)
Sigma Huda	Special Rapporteur on trafficking in persons, especially in women and children	October 2007 (first term)
Bernards Andrew Nyamwaya Mudho	Independent Expert on the effects of economic reform policies and foreign debt on the full enjoyment of human rights, particularly economic, social and cultural rights	November 2007 (second term)
Manfred Nowak	Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment	November 2007 (first term)
Louis Joinet	Independent Expert appointed by the Secretary-General on the situation of human rights in Haiti	February 2008 (second term)
Rudi Muhammad Rizki	Independent Expert on human rights and international solidarity	July 2008 (first term)
Gay McDougall	Independent Expert on minority issues	July 2008 (first term)
Doudou Diène	Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance	July 2008 (second term)
Jorge A. Bustamante	Special Rapporteur on the human rights of migrants	July 2008 (first term)
Martin Scheinin	Special Rapporteur on the promotion and protection of human rights while countering terrorism	July 2008 (first term)
Sima Samar	Special Rapporteur on the situation of human rights in the Sudan	July 2008 (first term)

Mandate-holder	Mandate	Terms in office
John Ruggie	Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises	July 2008 (first term)
Seyyed Mohammad Hashemi	Working Group on Arbitrary Detention	July 2008 (second term)
Najat Al-Hajjaji	Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination	July 2008 (first term)
Amada Benavides de Pérez	Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination	July 2008 (first term)
Alexander Ivanovich Nikitin	Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination	July 2008 (first term)
Shaista Shameem	Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination	July 2007 (first term)
Ambeyi Ligabo	Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression	August 2008 (second term)
Paul Hunt	Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health	August 2008 (second term)
Peter Lesa Kasanda	Working Group on people of African descent	August 2008 (second term)
Stephen J. Toope	Working Group on Enforced or Involuntary Disappearances	September 2008 (second term)
George N. Jabbour	Working Group on people of African descent	September 2008 (second term)
Irina Zlatescu	Working Group on people of African descent	October 2008 (second term)
José Gómez del Prado	Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination	October 2008 (first term)
Yash Ghai	Special Representative of the Secretary-General for human rights in Cambodia	November 2008 (first term)

5/2. Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council

The Human Rights Council,

Guided by the aims and principles of the Charter of the United Nations and the Universal Declaration of Human Rights and recognizing the ensuing obligations inter alia of States to cooperate in promoting universal respect for human rights as enshrined therein,

Recalling the Vienna Declaration and Programme of Action adopted on 25 June 1993 by the World Conference on Human Rights,

Recalling also that in resolution 60/251 of 15 March 2006, entitled "Human Rights Council", the General Assembly:

(*a*) Reaffirmed that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and that all human rights must be treated in a fair and equal manner on the same footing and with the same emphasis;

(*b*) Acknowledged that peace and security, development and human rights are the pillars of the United Nations system and that they are interlinked and mutually reinforcing;

(*c*) Decided that members elected to the Council shall uphold the highest standards in the promotion and protection of human rights and shall fully cooperate with the Council;

(*d*) Stressed the importance of "ensuring universality, objectivity and non-selectivity in the consideration of human rights issues, and the elimination of double standards and politicization";

(*e*) Further recognized that the promotion and protection of human rights "should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings";

(*f*) Decided that "the work of the Council shall be guided by the principles of universality, impartiality, objectivity, and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development";

(*g*) Also decided that "the methods of work of the Council shall be transparent, fair and impartial and shall enable genuine dialogue, be results-oriented, allow for subsequent follow-up discussions to recommendations and their implementation and also allow for substantive interaction with special procedures and mechanisms";

Underlining the centrality of the notions of impartiality and objectivity, as well as the expertise of mandate-holders, within the context of special procedures, along with the need to give the required degree of attention to all human rights violations, wherever they may be taking place,

Bearing in mind that the efficiency of the system of special procedures should be reinforced through the consolidation of the status of mandate-holders and the adoption of principles and regulations taking the specificities of their mandate into consideration,

Considering that it is necessary to assist all stakeholders, including States, national human rights institutions, non-governmental organizations and individuals, to better understand and support the activities of mandate-holders,

Recalling articles 100, 104, 105 of the Charter of the United Nations, section 22 of article VI of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946 and paragraph 6 of General Assembly resolution 60/251,

Noting decision 1/102 of 30 June 2006, in which the Council decided to extend exceptionally for one year the mandates and mandate-holders of the special procedures of the Commission on Human Rights, of the Sub-Commission for the Promotion and Protection of Human Rights as well as the procedure established pursuant to Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970,

Noting also decision 1/104 of 30 June 2006, in which the Council established the Open-ended Intergovernmental Working Group entrusted with the task of formulating recommendations on the issue of the review and possibly the enhancement and rationalization of all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights, in order to maintain a regime of special procedures in accordance with paragraph 6 of General Assembly resolution 60/251,

Noting further resolution 2/1 of 27 November 2006, in which the Council requested the Open-ended Intergovernmental Working Group to "draft a code of conduct regulating the work of the special procedures",

Considering that this code of conduct is an integral part of the review, improvement and rationalization called for in General Assembly resolution 60/251 that, inter alia, seeks to enhance the cooperation between Governments and mandate-holders which is essential for the effective functioning of the system,

Considering also that such a code of conduct will strengthen the capacity of mandate-holders to exercise their functions whilst enhancing their moral authority and credibility and will require supportive action by other stakeholders, and in particular by States,

Considering further that one should distinguish between, on the one hand, the independence of mandate-holders, which is absolute in nature, and, on the other hand, their prerogatives, as circumscribed by their mandate, the mandate of the Human Rights Council, and the provisions of the Charter of the United Nations,

Mindful of the fact that it is desirable to spell out, complete and increase the visibility of the rules and principles governing the behaviour of mandate-holders,

Noting the Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission that was adopted by the General Assembly in resolution 56/280 of 27 March 2002,

Noting also the draft Manual of the United Nations Human Rights Special Procedures adopted in 1999 by the sixth annual meeting of mandate-holders, as revised,

Taking note of the deliberations and proposals of the Open-ended Intergovernmental Working Group on Review of Mandates,

1. *Urges* all States to cooperate with, and assist, the special procedures in the performance of their tasks and to provide all information in a timely manner, as well as respond to communications transmitted to them by the special procedures without undue delay;

2. *Adopts* the Code of Conduct for Special Procedures Mandate-Holders of the Human Rights Council, the text of which is annexed to the present resolution and whose provisions should be disseminated by the Office of the United Nations High Commissioner for Human Rights, to the mandate-holders, to the Member States of the United Nations and to other concerned parties.

9th meeting
18 June 2007

[Resolution adopted without a vote.][47]

Annex

DRAFT CODE OF CONDUCT FOR SPECIAL PROCEDURES MANDATE-HOLDERS OF THE HUMAN RIGHTS COUNCIL

Article 1 - Purpose of the Code of Conduct

The purpose of the present Code of Conduct is to enhance the effectiveness of the system of special procedures by defining the standards of ethical behaviour and professional conduct that special procedures mandate-holders of the Human Rights Council (hereinafter referred to as "mandate-holders") shall observe whilst discharging their mandates.

Article 2 - Status of the Code of Conduct

1. The provisions of the present Code complement those of the Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission (ST/SGB/2002/9) (hereinafter referred to as "the Regulations");

2. The provisions of the draft manual of United Nations Human Rights Special Procedures should be in consonance with those of the present Code;

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[47] See A/HRC/5/21, chap. III, para. 62.

3. Mandate-holders shall be provided by the United Nations High Commissioner for Human Rights, along with the documentation pertaining to their mission, with a copy of the present Code of which they must acknowledge receipt.

Article 3 - General principles of conduct

Mandate-holders are independent United Nations experts. While discharging their mandate, they shall:

(*a*) Act in an independent capacity, and exercise their functions in accordance with their mandate, through a professional, impartial assessment of facts based on internationally recognized human rights standards, and free from any kind of extraneous influence, incitement, pressure, threat or interference, either direct or indirect, on the part of any party, whether stakeholder or not, for any reason whatsoever, the notion of independence being linked to the status of mandate-holders, and to their freedom to assess the human rights questions that they are called upon to examine under their mandate;

(*b*) Keep in mind the mandate of the Council which is responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, through dialogue and cooperation as specified in General Assembly resolution 60/251 of 15 March 2006;

(*c*) Exercise their functions in accordance with their mandate and in compliance with the Regulations, as well as with the present Code;

(*d*) Focus exclusively on the implementation of their mandate, constantly keeping in mind the fundamental obligations of truthfulness, loyalty and independence pertaining to their mandate;

(*e*) Uphold the highest standards of efficiency, competence and integrity, meaning, in particular, though not exclusively, probity, impartiality, equity, honesty and good faith;

(*f*) Neither seek nor accept instructions from any Government, individual, governmental or non-governmental organization or pressure group whatsoever;

(*g*) Adopt a conduct that is consistent with their status at all times;

(*h*) Be aware of the importance of their duties and responsibilities, taking the particular nature of their mandate into consideration and behaving in such a way as to maintain and reinforce the trust they enjoy of all stakeholders;

(*i*) Refrain from using their office or knowledge gained from their functions for private gain, financial or otherwise, or for the gain and/or detriment of any family member, close associate, or third party;

(*j*) Not accept any honour, decoration, favour, gift or remuneration from any governmental or non-governmental source for activities carried out in pursuit of his/her mandate.

Article 4 - Status of mandate-holders

1. Mandate-holders exercise their functions on a personal basis, their responsibilities not being national but exclusively international.

2. When exercising their functions, the mandate-holders are entitled to privileges and immunities as provided for under relevant international instruments, including section 22 of article VI of the Convention on the Privileges and Immunities of the United Nations.

3. Without prejudice to these privileges and immunities, the mandate-holders shall carry out their mandate while fully respecting the national legislation and regulations of the country wherein they are exercising their mission. Where an issue arises in this regard, mandate-holders shall adhere strictly to the provisions of Regulation 1 (e) of the Regulations.

Article 5 - Solemn declaration

Prior to assuming their functions, mandate-holders shall make the following solemn declaration in writing:

"I solemnly declare that I shall perform my duties and exercise my functions from a completely impartial, loyal and conscientious standpoint, and truthfully, and that I shall discharge these functions and regulate my conduct in a manner totally in keeping with the terms of my mandate, the Charter of the United Nations, the interests of the United Nations, and with the objective of promoting and protecting human rights, without seeking or accepting any instruction from any other party whatsoever."

Article 6 - Prerogatives

Without prejudice to prerogatives for which provision is made as part of their mandate, the mandate-holders shall:

(*a*) Always seek to establish the facts, based on objective, reliable information emanating from relevant credible sources, that they have duly cross-checked to the best extent possible;

(*b*) Take into account in a comprehensive and timely manner, in particular information provided by the State concerned on situations relevant to their mandate;

(*c*) Evaluate all information in the light of internationally recognized human rights standards relevant to their mandate, and of international conventions to which the State concerned is a party;

(*d*) Be entitled to bring to the attention of the Council any suggestion likely to enhance the capacity of special procedures to fulfil their mandate.

Article 7 - Observance of the terms of the mandate

It is incumbent on the mandate-holders to exercise their functions in strict observance of their mandate and in particular to ensure that their recommendations do not exceed their mandate or the mandate of the Council itself.

Article 8 - Sources of information

In their information-gathering activities the mandate-holders shall:

(*a*) Be guided by the principles of discretion, transparency, impartiality, and even-handedness;

(*b*) Preserve the confidentiality of sources of testimonies if their divulgation could cause harm to individuals involved;

(*c*) Rely on objective and dependable facts based on evidentiary standards that are appropriate to the non-judicial character of the reports and conclusions they are called upon to draw up;

(*d*) Give representatives of the concerned State the opportunity of commenting on mandate-holders' assessment and of responding to the allegations made against this State, and annex the State's written summary responses to their reports.

Article 9 - Letters of allegation

With a view to achieving effectiveness and harmonization in the handling of letters of allegation by special procedures, mandate-holders shall assess their conformity with reference to the following criteria:

(*a*) The communication should not be manifestly unfounded or politically motivated;

(*b*) The communication should contain a factual description of the alleged violations of human rights;

(*c*) The language in the communication should not be abusive;

(*d*) The communication should be submitted by a person or a group of persons claiming to be victim of violations or by any person or group of persons, including non-governmental organizations, acting in good faith in accordance with principles of human rights, and free from politically motivated stands or contrary to, the provisions of the Charter of the United Nations, and claiming to have direct or reliable knowledge of those violations substantiated by clear information;

(*e*) The communication should not be exclusively based on reports disseminated by mass media.

Article 10 - Urgent appeals

Mandate-holders may resort to urgent appeals in cases where the alleged violations are time-sensitive in terms of involving loss of life, life-threatening situations or either imminent or ongoing damage of a very grave nature to victims that cannot be addressed in a timely manner by the procedure under article 9 of the present Code.

Article 11 - Field visits

Mandate-holders shall:

(*a*) Ensure that their visit is conducted in compliance with the terms of reference of their mandate;

(*b*) Ensure that their visit is conducted with the consent, or at the invitation, of the State concerned;

(*c*) Prepare their visit in close collaboration with the Permanent Mission of the concerned State accredited to the United Nations Office at Geneva except if another authority is designated for this purpose by the concerned State;

(*d*) Finalize the official programme of their visits directly with the host country officials with administrative and logistical back-up from the local United Nations Agency and/or Representative of the High Commissioner for Human Rights who may also assist in arranging private meetings;

(*e*) Seek to establish a dialogue with the relevant government authorities and with all other stakeholders, the promotion of dialogue and cooperation to ensure the full effectiveness of special procedures being a shared obligation of the mandate-holders, the concerned State and the said stakeholders;

(*f*) Have access upon their own request, in consultation with the Office of the High Commissioner for Human Rights and after a common understanding between the host Government and the mandate-holder, to official security protection during their visit, without prejudice to the privacy and confidentiality that mandate-holders require to fulfil their mandate.

Article 12 - Private opinions and the public nature of the mandate

Mandate-holders shall:

(*a*) Bear in mind the need to ensure that their personal political opinions are without prejudice to the execution of their mission, and base their conclusions and recommendations on objective assessments of human rights situations;

(*b*) In implementing their mandate, therefore, show restraint, moderation and discretion so as not to undermine the recognition of the independent nature of their mandate or the environment necessary to properly discharge the said mandate.

Article 13 - Recommendations and conclusions

Mandate-holders shall:

(*a*) While expressing their considered views, particularly in their public statements concerning allegations of human rights violations, also indicate fairly what responses were given by the concerned State;

(*b*) While reporting on a concerned State, ensure that their declarations on the human rights situation in the country are at all times compatible with their mandate and the integrity, independence and impartiality which their status requires, and which is likely to promote a constructive dialogue among stakeholders, as well as cooperation for the promotion and protection of human rights;

(*c*) Ensure that the concerned government authorities are the first recipients of their conclusions and recommendations concerning this State and are given adequate time to respond, and that likewise the Council is the first recipient of conclusions and recommendations addressed to this body.

Article 14 - Communication with Governments

Mandate-holders shall address all their communications to concerned Governments through diplomatic channels unless agreed otherwise between individual Governments and the Office of the High Commissioner for Human Rights.

Article 15 - Accountability to the Council

In the fulfilment of their mandate, mandate-holders are accountable to the Council.

B. DECISIONS

5/101. Institution-building of the Human Rights Council and draft code of conduct for special procedures mandate-holders of the Human Rights Council

At its 9th meeting, on 18 June 2007, the Human Rights Council decided, without a vote, to agree on the text introduced by the President entitled "United Nations Human Rights Council: institution-building" (A/HRC/5/L.2) considered jointly with the draft code of conduct for special procedures mandate-holders of the Human Rights Council (A/HRC/5/L.3/Rev.1).[48]

5/102. Postponement of consideration of all pending draft resolutions and decisions, and of the draft report

At its 9th meeting, on 18 June 2007, the Human Rights Council decided, without a vote,[49] to postpone action:

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[48] See A/HRC/5/21, para. 62.

[49] See A/HRC/5/21, para. 63.

(*a*) On the following draft resolutions tabled at its fifth session:

A/HRC/5/L.4 Report of the United Nations High Commissioner for Human Rights on the follow-up to the report of the Commission of Inquiry on Lebanon

A/HRC/5/L.5 Human rights situation in the Occupied Palestinian Territory: follow-up to Human Rights Council resolution S-1/1 and S-3/1

A/HRC/5/L.6 Follow-up to resolution 4/8 of 30 March 2007 adopted by the Human Rights Council at its fourth session entitled "Follow-up to decisions S-4/101 of 13 December 2006 adopted by the Human Rights Council at its fourth special session entitled 'Situation of human rights in Darfur'";

(*b*) On the following draft decisions and resolution deferred from previous sessions pursuant to its decision 4/105 of 30 March 2007:

A/HRC/2/L.19 The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

A/HRC/2/L.30 World Programme for Human Rights Education

A/HRC/4/L.3 Israeli violations of religious and cultural rights in Occupied East Jerusalem

A/HRC/4/L.4 Human rights situation in the Occupied Palestinian Territory;

(*c*) On the draft report on its fifth session.

V. First organizational meeting

A. RESOLUTIONS

OM/1/1. Report of the United Nations High Commissioner for Human Rights on the follow-up to the report of the Commission of Inquiry on Lebanon

The Human Rights Council,

Recalling its resolution S-2/1 of 11 August 2006 on "The grave situation of human rights in Lebanon caused by Israeli military operations",

Recalling also its resolution 3/3 of 8 December 2006 in which it requested the United Nations High Commissioner for Human Rights to consult with the Government of Lebanon on the report of the Commission of Inquiry on Lebanon and its findings and on the relevant recommendations contained therein,

Having considered the report of the United Nations High Commissioner for Human Rights on the follow-up to the report of the Commission of Inquiry on Lebanon (A/HRC/5/9),

1. *Takes note with satisfaction* of the factual report of the United Nations High Commissioner for Human Rights (A/HRC/5/9);

2. *Requests* the High Commissioner to extend support to the activities and programmes of the Government of Lebanon, in particular those consistent with her report.

Organizational meeting 1,
20 June 2007

[Resolution adopted without a vote.][50]

OM/1/2. Human rights situation in the Occupied Palestinian Territory: follow-up to Human Rights Council resolutions S-1/1 and S-3/1

The Human Rights Council,

Recalling its resolutions S-1/1 of 6 July 2006 and S-3/1 of 15 November 2006,

Noting with regret that Israel, the occupying Power, has not to date implemented these two resolutions and hindered the dispatching of the urgent fact-finding missions specified therein,

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[50] See A/HRC/OM/1/1, chap. III, paras. 26-29.

1. *Calls* for the implementation of its resolutions S-1/1 of 6 July 2006 and S-3/1 of 15 November 2006, including the dispatching of the urgent fact-finding missions;

2. *Requests* the President of the Human Rights Council and the United Nations High Commissioner for Human Rights to report to the Council at the next session to be held in September 2007, on their efforts for the implementation of Council resolutions S-1/1 and S-3/1 and on the compliance of Israel, the occupying Power, with these two resolutions.

Organizational meeting 1,
20 June 2007

[Resolution adopted without a vote.][51]

OM/1/3. Follow-up to resolution 4/8 of 30 March 2007 adopted by the Human Rights Council at its fourth session entitled "Follow-up to decision S-4/101 of 13 December 2006, adopted by the Council at its fourth special session entitled 'Situation of human rights in Darfur'"

The Human Rights Council,

1. *Welcomes* the report on the situation of human rights in Darfur prepared by the group of experts mandated by the Human Rights Council in resolution 4/8 (A/HRC/5/6);

2. *Requests* the group of experts to continue its work for six months and to submit an update to the session of the Council in September 2007 and a final report to the following session of the Council.

Organizational meeting 1,
20 June 2007

[Resolution adopted without a vote.][52]

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[51] See A/HRC/OM/1/1, chap. III, paras. 30-34.

[52] See A/HRC/OM/1/1, paras. 35-40.

B. DECISIONS

OM/1/101. Postponement of consideration of pending draft resolution and decisions

At its organizational meeting, on 20 June 2007, the Human Rights Council decided, without a vote,[53] to postpone action on the following draft resolution and decisions deferred from previous sessions to its September session, pursuant to its decision 4/105 of 30 March 2007:

A/HRC/2/L.19	The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination
A/HRC/2/L.30	World Programme for Human Rights Education
A/HRC/4/L.3	Israeli violations of religious and cultural rights in Occupied East Jerusalem.

OM/1/102. Dates of the sixth session

At its organizational meeting, on 22 June 2007, the Human Rights Council decided, without a vote,[54] to convene its sixth session from 10 to 28 September 2007.

OM/1/103. Postponement of the first session of the Preparatory Committee for the Durban Review Conference

At its organizational meeting, on 22 June 2007, the Human Rights Council decided, without a vote,[55] to postpone the first session of the Preparatory Committee for the Durban Review Conference.

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[53] See A/HRC/OM/1/1, paras. 23-25.

[54] See A/HRC/OM/1/1, chap. II, para. 11.

[55] See A/HRC/OM/1/1, chap. III, para. 24.

VI. Third special session

S-3/1. Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory, including the recent one in northern Gaza and the assault on Beit Hanoun

The Human Rights Council,

Affirming the applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem,

Gravely concerned at the continued violation by the occupying Power, Israel, of the human rights of the Palestinian people in the Occupied Palestinian Territory,

Recognizing that the Israeli military incursions in the Occupied Palestinian Territory, including the recent incursion in northern Gaza and the assault on Beit Hanoun, constitute a collective punishment of the civilians therein and exacerbate the severe humanitarian crisis in the Occupied Palestinian Territory,

Taking note of the sense of shock expressed by the Secretary-General on the Israeli military operations carried out in Beit Hanoun on 8 November 2006,

Emphasizing that the Israeli wilful killing of Palestinian civilians, including women and children, constitutes a gross violation of human rights law and international humanitarian law,

Affirming that, under international humanitarian law, the medical personnel and means of transport of the Palestine Red Crescent Society must be protected and respected in all circumstances,

1. *Expresses its shock* at the horror of Israeli killing of Palestinian civilians in Beit Hanoun while asleep and other civilians fleeing earlier Israeli bombardment;

2. *Condemns* the Israeli killing of Palestinian civilians, including women and children, as well as of medics in Beit Hanoun and other Palestinian towns and villages, and calls for bringing the perpetrators thereof to justice;

3. *Denounces* the Israeli massive destruction of Palestinian homes, property and infrastructure in Beit Hanoun;

4. *Expresses its alarm* at the gross and systematic violations of human rights of the Palestinian people in the Occupied Palestinian Territory by the occupying Power, Israel, and calls for urgent international action to put an immediate end to these violations, including those emanating from the series of incessant and repeated Israeli military incursions therein;

5. *Calls* for immediate protection of the Palestinian civilians in the Occupied Palestinian Territory in compliance with human rights law and international humanitarian law;

6. *Urges* all concerned parties to respect the rules of international humanitarian law, to refrain from violence against the civilian population and to treat under all circumstances all detained combatants and civilians in accordance with the Geneva Conventions of 12 August 1949;

7. *Decides* to dispatch urgently a high-level fact-finding mission, to be appointed by the President of the Human Rights Council, to travel to Beit Hanoun to, inter alia: (a) assess the situation of victims; (b) address the needs of survivors; and (c) make recommendations on ways and means to protect Palestinian civilians against any further Israeli assaults;

8. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all administrative, technical and logistical assistance required to enable the fact-finding mission to fulfil its mandate promptly and efficiently;

9. *Requests* the fact-finding mission to report to the Council no later than the middle of December 2006 on progress made towards the fulfilment of its mandate.

2nd meeting
15 November 2006

[Resolution adopted by a recorded vote of 32 to 8, with 6 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, India, Indonesia, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Nigeria, Pakistan, Peru, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia, Uruguay, Zambia.

Against: Canada, Czech Republic, Finland, Germany, Netherlands, Poland, Romania, United Kingdom of Great Britain and Northern Ireland.

Abstaining: France, Guatemala, Japan, Republic of Korea, Switzerland, Ukraine.][56]

[56] See A/HRC/S-3/2, chap. II, paras. 16-24.

VII. Fourth special session

S-4/101. Situation of human rights in Darfur

At its 4th meeting, on 13 December 2006, the Human Rights Council decided, without a vote, to adopt the following text:[57]

"*The Human Rights Council*,

"1. *Expresses* its concern regarding the seriousness of the human rights and humanitarian situation in Darfur;

"2. *Welcomes* the signing of the Darfur Peace Agreement, urges its full implementation, and calls upon parties who have not signed it to do so, and upon all parties to observe the ceasefire;

"3. *Welcomes* the cooperation established by the Government of the Sudan with the Special Rapporteur on the situation of human rights in the Sudan and calls upon the Government to continue and intensify its cooperation with the Human Rights Council, its mechanisms, and the Office of the High Commissioner for Human Rights;

"4. *Decides* to dispatch a High-Level Mission to assess the human rights situation in Darfur and the needs of the Sudan in this regard, comprising five highly qualified persons, to be appointed by the President of the Human Rights Council following consultation with the members of the Council; as well as the Special Rapporteur on the situation of human rights in the Sudan;

"5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all administrative, technical and logistical assistance required to enable the High-Level Mission to fulfil its mandate promptly and efficiently, in coordination with the President of the Human Rights Council and also requests the latter to consult as appropriate with the concerned country;

"6. *Requests* the High-Level Mission to report to the Council at its fourth session."

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[57] See A/HRC/S-4/5, chap. II, paras. 18-28.